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GENERAL HEADINGS.

Cases Reported this Week.

Current Topics.

The New Lord of Appeal.

WE HAVE no doubt that the profession will view with pleasure the appointment of Sir GEORGE CAVE to the office of Lord of Appeal, rendered vacant by the death of Lord PARKER. Sir GEORGE was known at the Bar as an able advocate and a sound lawyer. He obtained a large practice as a junior, and this was so well maintained after he took silk, in 1904, that in 1914 he was justified in going special. His career in this capacity, however, was short, for in November, 1915, he succeeded Sir FREDERICK SMITH as Solicitor-General, and this position, in turn, he vacated on becoming Home Secretary, in December, 1916. Of his conduct in that capacity it is not for us to speak; but we may safely say that he has discharged the duties of the office at a critical time in such a way as to win a high reputation for tact, courage, and fairness of mind—a reputation founded also on his work in Parliament. In general, a divergence to political life is not a good preparation for a judicial career. In the case of Sir GEORGE CAVE no such objection can be taken, and, judging both from his record at the Bar and from his public work, we have no doubt that he will amply justify the present appointment.

The Armistice with Germany: The Western Front.

WE CAN now conclude the summary of the armistices which have led happily to a general cessation of hostilities. Last week we gave the most important of the terms of the armistices with Austria-Hungary and Turkey. The armistice with Germany was signed at 5 o'clock on Monday morning, the 11th inst., and came into effect at 11 a.m. that day. The clauses relating to the Western front include the following:—

> 2. Immediate evacuation of invaded countries—Belgium, France, Alsace-Lorraine, Luxemburg—so ordered as to be completed within fourteen days from the signature of the Armistice. Occupation by the Allied and United States Forces jointly will keep pace with evacuation in these areas.
>
> 3. Repatriation, beginning at once, to be completed within fourteen days, of all inhabitants of the countries above enumerated (including hostages, persons under trial, or convicted).
>
> 4. Surrender in good condition by the German Armies of a large number of guns and 2,000 aeroplanes.
>
> 5. Evacuation by the German Armies of the countries on the left bank of the Rhine. These countries on the left bank of the Rhine shall be administered by the local authorities under the control of the Allied and United States Armies of occupation.

A neutral zone shall be set up on the right bank of the Rhine between the river and a line drawn ten kilometres [6¼ miles] distant, starting from the Dutch frontier to the Swiss frontier.

6. In all territory evacuated by the enemy there shall be no evacuation of inhabitants; no damage or harm shall be done to the persons or property of the inhabitants. No destruction of any kind to be committed.

7. Roads and means of communication of every kind, railroads, waterways, main roads, bridges, telegraphs, telephones, shall be in no manner impaired. All civil and military *personnel* at present employed on them shall remain.

5,000 locomotives, 150,000 wagons, and 5,000 motor lorries in good working order, with all necessary spare parts and fittings, shall be delivered to the Associated Powers within the period fixed for the evacuation of Belgium and Luxemburg.

8. The German Command shall be responsible for revealing all mines or delay-action fuses disposed on territory evacuated by the German troops and shall assist in their discovery and destruction.

10. The immediate repatriation, without reciprocity, according to detailed conditions which shall be fixed, of all Allied and United States prisoners of war. . . . The return of German prisoners of war shall be settled at peace preliminaries.

The Eastern Front and East Africa.

THE FOLLOWING terms provide for the Eastern front and East Africa, and include the abandonment of the treaties with Russia and Rumania:—

12. All German troops at present in any territory which before the war belonged to Russia, Rumania, or Turkey shall withdraw within the frontiers of Germany as they existed on 1st August, 1914, and all German troops at present in territories which before the war formed part of Russia must likewise return to within the frontiers of Germany as above defined as soon as the Allies shall think the moment suitable, having regard to the internal situation of these territories.

15. Abandonment of the Treaties of Bukarest and Brest-Litovsk and of the Supplementary Treaties.

16. The Allies shall have free access to the territories evacuated by the Germans on their Eastern frontier, either through Danzig or by the Vistula, in order to convey supplies to the populations of these territories or for the purpose of maintaining order.

17. Unconditional evacuation of all German forces operating in East Africa within one month.

Repatriation and Restitution.

THE FOLLOWING clauses provide for repatriation of Allied civilians and reparation of damage:—

18. Repatriation, without reciprocity, within a maximum period of one month, in accordance with detailed conditions hereafter to be fixed, of all civilians interned or deported who may be citizens of other Allied or Associated States than those mentioned in Clause 3.

19. With the reservation that any future claims and demands of the Allies and United States of America remain unaffected, the following financial conditions are required:—

Reparation for damage done.

While the Armistice lasts no public securities shall be removed by the enemy which can serve as a pledge to the Allies for the recovery or reparation for war losses.

Immediate restitution of the cash deposit in the National Bank of Belgium and, in general, immediate return of all documents, specie, stock, shares, paper money, together with money plant for the issue thereof, touching public or private interests in the invaded countries.

Restitution of the Russian and Rumanian gold yielded to Germany or taken by that Power.

This gold to be delivered in trust to the Allies until the signature of peace.

Naval Conditions.

THE FOLLOWING are the terms relating to naval warfare and merchant ships:—

20. Immediate cessation of all hostilities at sea, and definite information to be given as to the location and movements of all German ships.

Notification to be given to neutrals that freedom of navigation in all territorial waters is given to the Naval and Mercantile Marines of the Allied and Associated Powers, all questions of neutrality being waived.

21. All Naval and Mercantile Marine prisoners of war of the Allied and Associated Powers in German hands to be returned, without reciprocity.

22. The handing over to the Allies and the United States of all submarines which are present at the moment with full complement in the ports specified by the Allies and the United States.

23. A large number of German surface warships to be disarmed, and thereafter interned in neutral ports, or, failing them, Allied ports, and placed under the surveillance of the Allies and the United States of America, only caretakers being left on board. All other surface warships to be concentrated in German Naval bases to be designated by the Allies and the United States of America, and to be paid off and completely disarmed.

24. Freedom of access to and from the Baltic to be given to the Naval and Mercantile Marines of the Allied and Associated Powers.

26. The existing blockade conditions set up by the Allied and Associated Powers are to remain unchanged, and all German merchant ships found at sea are to remain liable to capture. The Allies and United States contemplate the provisioning of Germany during the Armistice as shall be found necessary.

27. All Naval aircraft are to be concentrated and immobilised in German bases to be specified by the Allies and the United States of America.

29. All Black Sea ports are to be evacuated by Germany; all Russian warships of all descriptions seized by Germany in the Black Sea are to be handed over to the Allies and the United States of America.

30. All merchant ships in German hands belonging to the Allied and Associated Powers are to be restored in ports to be specified by the Allies and the United States of America without reciprocity.

34. The duration of the Armistice is to be thirty-six days, with option to extend. During this period, on failure of execution of any of the above clauses, the Armistice may be denounced by one of the contracting parties on forty-eight hours' previous notice.

The Relief of Germany.

AN APPEAL has been made by the German Government to Mr. WILSON stating that after a blockade of fifty months the above conditions, especially the surrender of the means of transport and the sustenance of the troops of occupation, would make it impossible to provide Germany with food, and would cause the starvation of millions of men, women, and children, all the more as the blockade is to continue, and requesting him to use his influence with the Allied Powers in order to mitigate the conditions. It will be noticed that, under clause 26, the Allies and the United States expressly state that they contemplate the provisioning of Germany during the Armistice as shall be found necessary, and Mr. WILSON, in his speech to Congress on Monday, after reading the terms of the Armistice, said:—

> The humane temper and intention of the victorious Governments have already been manifested in a very practical way. Their representatives in the Supreme War Council at Versailles have by unanimous resolution assured the peoples of the Central Empires that everything that is possible in the circumstances will be done to supply them with food and relieve the distressing want that is in so many places threatening their very lives, and steps are to be taken immediately to organise these efforts at relief in the same systematic manner in which they were organised in the case of Belgium. By the use of the idle tonnage of the Central Empires it ought presently to be possible to lift the fear of utter misery from their oppressed populations, and set their minds and energies free for the great and hazardous tasks of political reconstruction which now face them on every hand. Hunger does not breed reform; it breeds madness and all the ugly distempers that make an ordered life possible.

This means that the distress brought on Germany by her late rulers will as far as possible be mitigated, and it may be assumed that the task for which Mr. HOOVER is coming to Europe will extend to this work of mercy.

Bench and Bar.

THE LEGAL profession is happily full of good stories, and a profusion of them, intermingled with reflections on the idiosyncrasies of judges, counsel, and the public, are contained in the articles by Mr. J. A. STRAHAN, which, under the title of "The Bench and Bar of England," are commenced in this month's *Blackwood*, though whether the appendix "To be continued" promises a series of similar articles or only a second we do not know. At any rate, Mr. STRAHAN gives us full measure for the present month under the successive headings: Judges and Judges; Judges and Counsel; and Counsel and Clients. Being naturally of a deferential turn of mind, we will pass over the first section somewhat lightly, for Mr. STRAHAN treats judges very much on the principle of Lord

BOWEN'S *dictum*, which he quotes: "Conscious as we are of each other's infirmities;" and he follows somewhat nearly Lord BACON'S aphorism: "Judges ought to be more learned than witty; more reverend than plausible; and more advised than confident." He is impatient of the men who are often called by the lay press and the public "strong" judges, though their strength may only lie in wilful persistence in erroneous opinions; and for wit in a judge he will tolerate nothing inferior to the restrained humour of judges like Chief Justice COLERIDGE, Lord BOWEN, and especially Lord MACNAGHTEN, whose judgment in *Van Grutten* v. *Foxwell* (1897, A. C. 658) has become the classical instance of humour employed to lighten, but not detract from, the gravity of the business in hand. Less personal is Mr. STRAHAN'S reference to the disregard of nationality and sect which characterizes the highest judicial office in the country: "At this moment the Lord High Chancellor of Great Britain is a Scotsman, who succeeded another Scotsman (Viscount HALDANE), who himself succeeded a third Scotsman (the Earl of LOREBURN), who in turn succeeded that venerable Irishman, the Earl of HALSBURY, in that great office; and the Lord Chief Justice of England is a Jew like JESSEL." Lord MORRIS pithily summed up the position when, according to Mr. STRAHAN, he said: "I think the English are a long-suffering people. There is the highest court in their empire, and what does it consist of? Why, three Irishmen, two Scotchmen, and a miserable ould Jew." This disrespectful description was intended to apply to the late Lord HERSCHELL, C.

Judges and Counsel.

ON THE relations between judges and counsel Mr. STRAHAN has some good stories to tell, though they suggest, perhaps, an over-readiness on the part of counsel to keep the judge in his place. "Gentlemen of the jury," said CURRAN, who was annoyed at the judge repeatedly shaking his head to indicate dissent, "you may have noticed his lordship shaking his head. I ask you to pay no attention to it; because if you were as well acquainted with his lordship as I am, you would know that when he shakes his head there is nothing in it." And the stories which Mr. STRAHAN gives of Lord RUSSELL'S treatment of judges when, as Sir CHARLES RUSSELL, they interrupted him needlessly, seems to tell as much against the manners of the Bar as against the fussiness of the Bench. We prefer the more pointed reproof of the late Mr. OSWALD, who, when told by an irritated judge that he could teach him neither law nor manners, blandly answered, "I respectfully agree, my lord; you could teach nobody either." And yet we doubt whether any such retort was ever actually made in the serene atmosphere of the Chancery Division. At any rate, it would be taken as what it was meant for—a somewhat daring jest, and would be accepted the more readily from Mr. OSWALD, who was known not only for his "Contempt of Court," but for his quite correct answer to the judicial inquiry, "What brings you here, Mr. OSWALD?" "Two and one, my lord," and that settled the matter. For peppery judges Mr. STRAHAN makes use of Sir PEPPER ARDEN, afterwards Lord ALVANLEY, and the comment of the French visitor for whom his name was translated as "*Le Chevalier Poivre Ardent.*" "*Parbleu,*" he muttered, "*il est très bien nommé.*" But the talkative judge has been rebuked once for all by the great authority, Lord BACON, to whom we have already referred, and it is impossible to refer to judicial bearing without having the "Essay on Judicature" in mind. "An over-speaking judge is no well-tuned cymbal. It is no grace to a judge, first to find that which he might have heard in due time from the Bar, or to shew quickness of conceit in cutting off evidence or counsel too short, or to prevent information by questions though pertinent." All this, however, is outside the real everyday relationship of Bar and Bench, which is one of quiet co-operation in the administration of justice. Mr. STRAHAN—may we say, as in the "Bidding Prayer," "as in private duty bound"—commends as the best example of this the ordinary relationship of a Chancery judge and the leaders of his court, by which business is so much facilitated, "The judge trusts implicitly to the word of counsel, and his trust is never betrayed"; though neither Mr. STRAHAN nor ourselves would suggest that this rule of conduct is confined either to the inner Bar or to the Chancery Division.

Counsel and Clients.

THE RELATION of counsel to their lay clients is always something of a mystery to the latter. The client cannot understand the exertions of his advocate without believing that he takes a special and personal interest in the case. And yet the mastery of the facts is but for a brief period. They are forgotten as soon as learnt. A junior counsel was suddenly brought into a case in which Sir CHARLES RUSSELL had already appeared in on several occasions. He was surprised that his leader relied on him for the facts. "I know nothing about it," said Sir CHARLES. "But," replied the junior, "you have argued it three times already." "I tell you I know nothing about it," answered Sir CHARLES angrily. "If I remembered all the facts in all the cases I have been in, what sort of a thing would my head be now, do you think?" But, as Mr. STRAHAN says, the superficial knowledge which counsel cram up has "usually vast *lucunæ* in it, which, when discovered, reveal the abysmal ignorance which lies behind"—an ignorance which may well be disastrous when technical knowledge is in question, as in a patent case. And so we are not surprised at the story of Lord KELVIN (then Sir WILLIAM THOMSON), the great authority on electricity, who agreed with the consecutive questions of counsel, each assuming what seemed a necessary result of the preceding up to a certain point; but at length to a final question, "Wouldn't you say that so-and-so must of necessity follow from that?" he replied, after a pause, "I wud—if I knew nothing about electricity, but I know a deal." And that cross-examination went no further. The idea that an advocate should only take up a cause in which he believes is, according to Mr. STRAHAN, at the bottom of the popular distrust of lawyer politicians—a distrust which he says is wholly impersonal, and rarely damages individual counsel who take to public life. We have only to glance at the personnel of the political world to see the truth of this remark. But whatever may be the ethics of the lawyer politician, in his professional life his business is to do the best he can for his client. If he wins, so much the better for his client and himself. For success in winning causes is the best passport to success in the profession. But if he loses, he takes the result philosophically. We have, we are afraid, laid Mr. STRAHAN'S article under somewhat heavy contribution, but we are very far from having exhausted either its stories or its interest.

Objections to Taxation After an Interim Certificate.

THE DECISION of the Court of Appeal in *Harper* v. *Firbank* (1918, 2 K. B. 509) will probably be found to have put a useful construction on the provisions of R.S.C., ord. 65, r. 27, relating to interim certificates or allocaturs for costs, and the restriction on the right to carry in objections. Under regulation 17 (b) the taxing masters have power to make one or more interim certificates or allocaturs for any portion of the costs directed to be taxed without waiting till a certificate for the full amount can be made; and under regulation 39 objections to the allowance or disallowance of items in a bill of costs may be made in writing at any time before the certificate or allocatur is signed. In the above case the taxing master, on the taxation of the costs in an action in which the two defendants had succeeded, considered that they ought not to have been separately represented, and intimated that he should disallow the costs of one set of counsel, but he gave an interim certificate for £280 on account of the defendants' costs, and this was within the sum due to them apart from the question of counsel's fees. On an appeal the Court of Appeal considered that, for the purposes of the appeal, separate representation was necessary, and the defendants consequently took in an

objection to the disallowance of the fees at the trial. Thereupon the master, considering that separate representation was an *a fortiori* matter at the trial, proposed to allow the fees, but the plaintiff argued that this was too late, and that the defendants' objection was barred by the interim certificate. But the argument, though allowed by COLERIDGE, J., was overruled in the Court of Appeal. An interim certificate does not bar objections in respect of specific items unless it deals specifically with those items and either allows them or disallows them. A certificate in general form for a payment on account, which can be made without reference to these items, has no such effect. Hence under the above circumstances the defendants were entitled, in the light of what had happened in the Court of Appeal, to carry in objections to the allowance of the costs of the separate representation, and obtain the benefit of the changes in the taxing master's opinion.

The Growth of the Bureaucracy.

[For former articles on cognate topics, see 62 SOLICITORS' JOURNAL, pp. 782, 802, 819, and *ante*, pp. 4, 36.]

THE Council of the Law Society have based their objection to the passing of the Solicitors (Qualification of Women) Bill on the ground of its being a contentious measure, and that it would be unfair to the many young solicitors and articled clerks who are serving the country that it should be proceeded with in their absence. In the position they have taken up the Council are perfectly right, for it would be intolerable that even a suspicion should arise that we were wanting in loyalty in any matter to fellow members so placed, and particularly in a matter of such importance as the admission of others to a share in their privileges. But, while it is felt that the action of the Council is well founded, their decision is at the same time matter for remark, not merely implying, as it does, a recognition of the right of the younger members of the profession to an opinion on matters affecting its future, but because it denotes a disposition on the part of the Council to consult that opinion. And, indeed, it might be thought that what is calculated to affect the question of professional prospects would more generally be matter for their consideration. But, however that may be, it is satisfactory that on one issue at least the opinion of the young solicitor, and even of the law student, is to be heard, and it can only be hoped that this will serve as a precedent for a more frequent consultation of their views when questions come up touching professional outlook.

The point now arises how and by what means the view now sought will be rendered articulate? Are the young solicitors and students to be called together in general meeting on their return from the front, are they to be approached by circular letter, or is some more effective machinery for registering their opinions in contemplation? Is it too much to expect that they will be invited to "a seat on the board," as it were, and that the Council itself will in that way be refreshed and invigorated by a liberal accession of young blood? Or will the "service" members be encouraged, either in fact or in consequence of default, to retain their independence of action and form as it were a "Fourth Party" in the affairs of the profession with a view to rousing it more effectually to action and providing a spear-head to its policy? The principle of bringing the young members into consultation is an excellent one, but the principle itself is valueless unless the method of giving expression to it is well prepared.

This is a big question for the profession, and it is not to be regarded *in foro conscientiæ* only. It may soon become an immediate question, for, unless the signs of the times are misleading, there are days of strife ahead for the profession, and it will be called upon to do battle for its own. Then nerve will tell, and in like manner as the younger men have done best service in the war, so the younger men are likely to serve the profession best if it be attacked. Whatever means are adopted for obtaining the opinion of the young solicitors and articled clerks who are on service on the particular question of the admission of women, means must be devised, by way of some permanent measure of reform in administration, for giving the profession the benefit of their dynamic qualities in dealing with the vital issues that are likely to arise.

In a previous article on the subject of "Legal Education," it was suggested that there were good times ahead for the profession. But this encouraging forecast was not made without reservation. It was regarded as conditional upon our being allowed to reap our own legitimate harvest. That we may be deprived of it, in some considerable measure at least, is the danger that confronts us. The work may be abundant, but others may be set to do it. It is a real and substantial danger, and one that we must be prepared to face. For encroachment had begun before the war. It was arrested only with difficulty, and in so far as it was arrested, it was, in the minds of the discerning, regarded as being only temporarily arrested. Now, on the termination of the war, new inducements towards invasion will arise, and the movement will revive with an added power behind it. One of the great problems of the Government after the war will be how to find employment for the numerous new departments which the war has brought into existence and for all those new servants of the State who have been trained in bureaucratic ways. Many departments, no doubt, will be closed and their staffs disbanded, but they are institutions in being, and it is inconceivable that Ministers will cast adrift the whole civil personnel of the war without endeavouring to find work for it elsewhere.

There is no doubt that the non-contentious side of legal practice affords a fruitful field for departmental growth and a somewhat obvious prey, and it is to be feared that the process begun with the Land Transfer Act and the Public Trustee, unless vigorously challenged, will proceed until much of the work lying within the limits of the Solicitors' Remuneration Act has been taken out of our hands. Maybe, it cannot touch litigation in the same way, and the course of events may place the profession's interests in this on a surer basis. But with regard to non-contentious work, the first step in the direction of confiscation has already been taken, and here, as in so much else, it is the first step that counts. With regard to conveyancing more especially, the mischief is that the nucleus of a great State department already exists, and it is in the matter of conveyancing, according to the present outlook, that our prospects more especially lie.

In treating of a Ministry of Justice in an earlier number it was stated that there was no authority competent to contrive the welfare of the profession as a whole. The status of the Lord Chancellor in this connection was not forgotten, for he is the professional head of the law. But, in view of the separation of the two branches, he cannot be said to mark the unity of the profession, for he is the offspring of one branch only, and that is the Bar, and his sympathies are presumably determined thereby. And if it be within his powers to promote the prosperity of the solicitors' branch, these powers have not in the past been sufficiently exercised. Rather, we might almost consider the Lord Chancellor to be the architect of our misfortunes. For the three measures more especially detrimental to the solicitor have ostensibly been his work. The Land Transfer Act, representing in what it has taken the very "Alsace-Lorraine" of the profession, was the child of Lord HALSBURY. The Public Trustee Act had Lord LOREBURN for its sponsor, and now the Women's Qualification Bill has been introduced by Lord BUCKMASTER. It is felt that the solicitor is all along being used as a sop to Cerberus to quiet a rising tide of officialism, and this not altogether without an eye to the immunity of the Bar. At least, the evil day when the higher interests and greater privileges of the Bar will be invaded is put off, for it has been called upon for no sacrifice, and even the solicitors' branch has been touched only in directions in which the Bar cannot be seriously affected by the change. This process of throwing the solicitor to the wolves is likely to go on unless it be resisted by more effectual measures than in the past. A civil or non-professional head of the profession may hold a fairer balance between the interests of its various branches; but, until his appointment, we have only ourselves to look to, and, on that account, full advantage

should be taken of the more virile powers of our younger members.

By the side of this great danger, the question of the admission of women to the profession is relatively a small one. It is small in principle as well as in fact; for it is one thing to share privileges with another when those privileges remain intact. It is another thing to see the privileges themselves dissolve. The fear is lest we shall be so misguided as to seek not only to retain our privileges, but, in a time of national reconstruction proceeding under the pressure of dire necessity, we shall also seek to keep them entirely to ourselves. In this direction public reprobation lies, and a general desire to visit upon us the penalties of our own selfishness. A frank recognition of what this means seems to be the path of wisdom, for, if a new personnel is to be employed, it is better for us that it should be by way of addition to the profession than in substitution for it, and that the profession should be the foundation and the centre of the new growth rather than it should take root in fresh soil.

It looks as if the bureaucratic menace and the question of the admission of women would be best understood if they were seen together in the same picture with their relations revealed. It is, perhaps, too much to say that we can remove the greater danger by acceptance of the smaller, but it is safe to say that we cannot escape both. If the admission of women be refused, we shall just add so much stimulus to departmental increase, and to that extent assist it as a rising tide in its envelopment of us. If, on the other hand, we admit women to our ranks, we not only relieve pressure on our privileges, but we come forward with something in our hands with which to pay the price of security. If the claim for the admission of women to the profession be a public demand, and it be acceded to, the State cannot at one and the same time confer these advantages upon women, invite them to qualify for them, and then render them valueless by confiscating the privileges on which they are founded. Admittedly, there is a danger lest the profession be utilized for the training of a body of young women solicitors, and afterwards they be drafted into departmental work and carry the profession's privileges away with them. This is a substantial risk, for women are particularly fitted for departmental work, and the class of professional work they are likely to handle on admission is just that work which is most exposed to departmental capture. But, though this is a risk, the material for accommodation exists, and it is in what appears to be their tacit recognition of this that the discernment of the Council is more particularly shewn; for not only have they declined to abate the profession's rights in advance, but they have postponed the decision until it can be come to with the full weight of the profession behind it.

The Theory of a Second Chamber.

I.

THE reform of the House of Lords, or, perhaps, we should say the substitution for it of a Second Chamber of a different type, was under the consideration, during the latter part of last year and the beginning of the present year, of the "Second Chamber Conference" appointed on 25th August, 1917, by the Prime Minister, with Viscount BRYCE as Chairman. The Report took the form of (Part I.) a letter by the Chairman to the Prime Minister, dated last April, shewing the course of discussion in the Conference and the manner in which its conclusions were arrived at, and (Part II.) the Recommendations which were adopted by a large majority of the Conference. We have not hitherto referred to the matter, but it is one of great constitutional importance, and now that the war has come to an end the Report may have practical effect. Our immediate reason, however, for referring to it at the present moment is to call attention to the criticism—candid, no doubt, but none the less useful—which Lord SUMNER has bestowed upon it.*

The Conference, says Lord BRYCE, entered on its task by considering how far its members were agreed as to the functions appropriate to a Second Chamber, as to the elements that ought to be present in it, and as to the place it ought to fill in the scheme of the Constitution, and it was found that agreement existed upon the following points:—

Functions Appropriate to a Second Chamber.—These are:—

(1) The examination and revision of Bills brought from the House of Commons—the more necessary since debate there has been limited by special rules.

(2) The initiation of Bills of a comparatively non-controversial character, which might have an easier passage in the House of Commons if first put into well-considered shape.

(3) "The interposition of so much delay (and no more) in the passing of a Bill into law as may be needed to enable the opinion of the nation to be adequately expressed upon it"—a function specially applicable to Bills affecting the fundamentals of the Constitution, or introducing new principles of legislation, or subject to evenly balanced division of opinion in the country.

(4) "Full and free discussion of large and important questions, such as those of foreign policy, at moments when the House of Commons may happen to be so much occupied that it cannot find sufficient time for them." Such discussions may often be all the more useful if conducted in an Assembly whose debates and divisions do not involve the fate of the Executive Government.

The Elements that ought to find a place in a Second Chamber.—There appears to have been agreement that the Second Chamber should include four classes:—(1) Persons of experience in public work, including judicial work, and persons with special knowledge of foreign affairs and the Over-Seas Dominions; (2) "Persons who, while likely to serve efficiently in a Second Chamber, may not have the physical vigour needed to bear the increasing strain which candidacy for a seat in the House of Commons, and service in it, involve"; and (3) "A certain proportion of persons who are not extreme partizans, but of a cast of mind which enables them to judge political questions with calmness and comparative freedom from prejudice or bias"—a class which, under ideal conditions, would obviously compose the whole Chamber.

But Lord SUMNER, after giving a similar summary of the first part of Lord BRYCE's letter, comes to the conclusion that it does not hold out a very lively prospect for the members:—

> "When one contemplates this Second Chamber, including, if not consisting of, persons ripe in experience of public work, too feeble for the House of Commons, too old or too cold for prejudice or bias, occupying itself in revising other people's Bills, in initiating Bills of its own on subjects of comparatively non-controversial character, and in discussing quite large questions, fully and freely too, at moments when the other House happens to be busy with questions not so large or so important, one cannot help thinking that its members will have rather a quiet time of it."

The Position which the Second Chamber ought to hold in our Constitutional System.—It was agreed that a Second Chamber ought not to have equal powers with the House of Commons, nor aim at becoming a rival of that Assembly. In particular, it should not have the power of making or unmaking Ministries, or enjoy equal rights in dealing with finance. This, indeed, is prescribed by the fundamental nature of the Constitution, which makes the Executive depend upon the support of the House of Commons. And in the Second Chamber no one set of political opinions should be likely to have a marked and permanent predominance. Further:—"The Second Chamber should aim at ascertaining the mind and views of the nation as a whole, and should recognize its full responsibility to the people, not setting itself to oppose the people's will, but only to comprehend and give effect to that will when adequately expressed." Yet surely there is an inconsistency here, for if all that the Second Chamber has to do is to ascertain the people's will, why try to fill it with persons versed in public affairs and free from bias? Assuming—no slight assumption—that there is such a thing as the people's will, it would require quite an inferior intelligence to discover what it is. This was too obvious to escape the Conference, and accordingly it placed reliance on the moral authority of the Second Chamber, and its freedom from bias, as means for enlightening and influencing the people. This process would be effected through its debates. In fact, the task of the Second Chamber is not simply to find out the will of the people, but first to exercise on the people an educative influence, and suggest wiser counsels than those on which the popular will is bent. Lastly, according to Lord BRYCE's letter, the continuity of the Second Chamber with the ancient House of Lords should be maintained, the best traditions of the latter being "handed on to the new body, so as to enhance its dignity, and make a seat in it an object of legitimate ambition. The General Council of the Nation from which the House of Lord directly descends, the House of Commons having been added to it in the thirteenth century, is the oldest and

* "A Tame House of Lords." By Lord Sumner of Ibstone. *The Quarterly Review*, October 1918. John Murray.

most venerable of all British institutions, reaching back beyond the Norman Conquest, and beyond King ALFRED into the shadowy regions of Teutonic antiquity."

But here again Lord SUMNER is not impressed with the prospect held out to the reformed House of Lords:—

> "Certainly the Second Chamber has an uphill task before it. If it manages to rise superior to factious motives without being dull, and to attract to mere moral authority that popular attention which generally belongs only to actual power, it may induce the newspapers to report its debates, and then it may have some chance of influencing the People. Otherwise its debates will not much enlighten the People, or anybody else, however earnestly the members may 'aim at ascertaining the mind and views of the nation as a whole.'"

Adjustment of Differences between the two Houses.—Lord BRYCE's letter discusses next the mode of selecting the members of the Second Chamber, but we will follow Lord SUMNER's arrangement. After discovering that the function of the Second Chamber is to interpose so much delay (and no more) as will enable the opinion of the nation to be expressed, he takes up that part of the letter which shows how in fact differences between the two Houses are to be adjusted. Lord BRYCE proposes that differences should be referred to a Committee or Free Conference of the two Houses. A small number of the most experienced, most judicious, and most trusted members of each House would be chosen at the beginning of each Parliament, due representation being given to all the parties that may exist in each House, to form a Standing Conference Committee, and another smaller number would be added by each House of persons who, while possessing the same merits as belong to the permanent element, should possess in addition a special knowledge of the matter to be dealt with in the particular controversy. The permanent number might be twenty from each House; the additional members specially brought in for the occasion, ten from each House; making a total of sixty.

Discussion in the Free Conference might result in a compromise or other settlement acceptable to each House. Failing this, there is a deadlock, and how is the difficulty to be removed? The Conference considered, but rejected, the suggestion of a Joint Sitting of both Houses in which a majority would decide the fate of the Bill. They also rejected the suggestion for a Referendum, on the ground (among others) that the use of the Referendum, once introduced, could not be confined to cases of the nature in question; that it might tend to lower the authority and dignity of Parliament; and that it was unsuited to the conditions of a large country, and especially of the United Kingdom, for different parts of which different legislation is sometimes required.

These suggestions, both familiar, being rejected, the Conference had to discover a new method, and they hit upon the following:—If a Bill reported by the Free Conference is accepted by one House, but not by the other, it would be postponed to the next Session. It would then go before the Free Conference again, and might be once more approved there and reported to the Houses. If on this occasion the House of Commons disagreed, it would lapse; if the House of Commons alone agreed and the majority in the Free Conference was at least three, it would be submitted for the Royal Assent. "If," says Lord SUMNER, "so much is to depend on the discovery of three just men in the Second Chamber moiety of this Committee, the composition of the Second Chamber and the selection of its members become the crux of the scheme." But this seems to assume that in the Free Conference all the representatives of one House will vote one way, and all those of the other House will vote the other way—an assumption hardly justified by the probable fact. However, we may agree that the most important question is how to constitute the Second Chamber.

(To be continued.)

Correspondence.

Tribute to the Prime Minister.

[To the Editor of the Solicitors' Journal and Weekly Reporter.]

Sir,—When the history of the present time is written one name will loom large and beyond that of any other, and that is the name of the Prime Minister. The gratitude of the nation to Mr. Lloyd George, the "National Family Solicitor," is recognized generously, and made strikingly manifest, everywhere to-day.

Would it not be a graceful thing if the profession (which by the Premier has been so much enhanced) were to place, with the permission of the Authorities and the Council, a marble bust of Mr. Lloyd George in the Law Courts Hall and the Law Society's Hall as a very permanent memorial not only of a great time but of a great man who was trained and practised in our ranks?

In the absence of any other practitioner, the writer would be glad to co-operate in organising a movement with the object suggested if any solicitor cares to communicate with him.

14th November. HARVEY CLIFTON.

Re Burnham and the Rule in *Sibley* v. *Perry.*

[To the Editor of the Solicitors' Journal and Weekly Reporter.]

Sir,—I have read the article on this case in your issue of the 2nd November with peculiar interest, inasmuch as a case has just come into my office involving a very similar question. Hitherto I have always thought it a tolerably well settled principle that a gift to A. B. for life, with remainder to his children and issue of deceased children, *such issue to take their parents' share*, carried the bequest only one generation farther, viz., to the grandchildren of A. B. This construction is laid down in all the text-books to which I have referred, and is supported by *Sibley* v. *Perry* and other cases. Instead of following this principle, Mr. Justice Sargant seems to have preferred to make a microscopic examination of the will from beginning to end, and, finding that in some earlier clauses the testator clearly distinguished between *issue* and *children*, came to the conclusion that he intended to do so in the clause then under discussion. One of the principal clauses on which the Judge relied seems to me to be only the ordinary gift to A. B. for life with a power of appointment amongst his *issue*, with remainder in default of appointment to his *children* equally. This is a very ordinary clause inserted in almost every settlement, and in a great many wills, and I should have thought hardly sufficient to overrule the principle laid down in *Sibley* v. *Perry*.

I have the most sincere respect for Mr. Justice Sargant, who I consider is one of our most able Chancery Judges, but I am afraid that his decision in *Re Burnham* will have most unfortunate consequences. Instead of being dealt with on a settled principle, each will or settlement will be verbally criticised, and a crop of litigation may be confidently expected. In my own case a leading Chancery K.C. has advised that although in his opinion the case is governed by *Sibley* v. *Perry*, yet, having regard to *Re Burnham*, the trustees cannot safely act except under the direction of the Court, and this view will probably be adopted in many subsequent cases.

From the look of *Re Burnham* as reported, I rather fear it will not be carried to the Court of Appeal. I wish it were, so that counsel and solicitors may have some more certain guide to the future. HORACE OCKERBY.

114, Queen Victoria-street, London, E.C. 4,
7th November.

A Useful Time-saving Device for Conveyancers.

[To the Editor of the Solicitors' Journal and Weekly Reporter.]

Sir,—In the completion of purchases it is frequently necessary to calculate apportionments of rent and other outgoings. To this end, apparently, only one method is in vogue, which is as follows:

Supposing the required apportionment is 199 days at £45 per annum, then the formulæ adopted is:—

$$\frac{45 \times 199}{365} = £24\ 10s.\ 8d.$$

This is a long and cumbersome process which invites inaccuracy, especially where, as is usually the case, no cancellation by factors is possible.

It may therefore interest your readers to know that I have discovered a very simple method by which such calculations may be rapidly and accurately made. It involves the use of the 5 per cent. Interest Table.

All that is necessary is to multiply the amount of the rent by 20 and then turn up the interest on that sum for the required number of days; *e.g.*, taking the figures given above, you would simply multiply the rent (£45) by 20, the product being £900. The interest on this for 199 days is £24 10s. 8d., which is the amount of apportionment sought.

The short explanation of this is that by multiplying the rent by 20 you have the principal sum on which that rent represents interest at 5 per cent. This gives you the key to the formulæ on which the 5 per cent. interest table is based. In other words, the interest table formulæ is the first formulæ *multiplied* by 20 and *divided* by 20, because 5 per cent. is one-twentieth of the principal.

The two formulæ are, of course, identical, but in the first case you have to work out the calculation yourself, whilst in the second case you have it already worked out for you in the book.

E. C. BALFOUR.

143, Heythorp-street, Southfields, S.W. 18,
1st November.

CASES OF THE WEEK.

Court of Appeal.

T. WILSON v. BLYTH SHIPBUILDING AND DRY DOCKS CO. (LIM.). No. 1. 29th October.

WORKMEN'S COMPENSATION — "INDUSTRIAL DISEASE" — AMENDED SCHEDULE—SUBCUTANEOUS CELLULITIS OF THE HAND—MINING—ONUS OF PROOF—WHETHER WORKMAN, NOT A MINER, CAN RECOVER COMPENSATION—WORKMEN'S COMPENSATION ACT, 1906 (6 ED. 7, C. 58), S. 8, SUB-SECTIONS (1), (2), AND (6)—SCHEDULE III.—AMENDING ORDER OF 30TH JULY, 1913 (S. R. & O., 1913), No. 814.

By the provisions of the Workmen's Compensation Act, 1906, the employer is rendered liable to pay compensation to a workman who is disabled by reason of the fact that he contracted in the course of his employment a disease described in the first column of the third schedule to the Act. By section 8, sub-section 6, the Secretary of State has power to amend the schedule and to include other diseases. In the amended schedule No. 15 of the added diseases is that of subcutaneous cellulitis of the hand, commonly known as "beat hand," and opposite to it, in the second column (Description of Process) is the word "Mining." A workman who was not a miner, but worked as a riveter's holder-up, contracted this disease, and obtained a certificate from the certifying surgeon of the district. The county court judge awarded him compensation. The employers, on appeal, submitted that unless the disease was contracted in the process of "mining," the workman could not recover compensation under the Act in respect of disablement caused from that disease.

Held, that the workman could recover. If he had contracted this disease while working as a miner, then, the disease being due to the nature of that employment, he would be prima facie *entitled to compensation without having to prove anything more under sub-sections 1 and 2 of section 8, the effect of the description of process being merely to shift the onus of proof from the workman to the employer.*

Appeal by the employers against an award of the learned judge sitting at Blyth County Court.

SWINFEN EADY, M.R., in giving judgment, said the appeal was by the insurers against an award of compensation to the applicant on the ground that upon the facts, which were not in dispute, the applicant had not brought himself within the Act so as to entitle him to compensation. The workman was a riveter's "holder up" in the employ of the respondents. His business was to knock in the rivet and then to hold it up with his hammer while it was riveted in by another man. In the course of that employment he contracted the disease known as subcutaneous cellulitis of the hand (beat hand), and he obtained an order and certificate from the certifying surgeon pursuant to section 8, sub-section 1, of the Workmen's Compensation Act, 1906. The particular disease of beat hand, although not mentioned among the diseases in the third schedule when the Act was passed, was to be found in the Order amending the schedule, which the Secretary of State made under powers given him by the Act, dated 30th July, 1913. Having obtained the certificate, he has, under ordinary circumstances, to prove that the disease from which he is certified as suffering was due to his employment. It was not disputed that he had to bring himself within the terms of the Act by proving this. By sub-section 2, of section 8, in certain cases the burden of proof was shifted from the workman on to the employer. That sub-section provided that "if the workman at or immediately before the date of the disablement or suspension was employed in any process mentioned in the second column of the third schedule to this Act, and the disease contracted is the disease in the first column of that schedule set opposite the description of the process, the disease, except where the certifying surgeon certifies that, in his opinion, the disease was not due to the nature of the employment, shall be deemed to have been due to the nature of that employment unless the employer proves the contrary." The effect of that was that the burden of proof was shifted, and it was to be deemed that the disease from which he was certified to be suffering was due to the nature of his employment subject to the modification contained in the proviso. Now the dispute arose in this way: In the schedule of diseases added by the Order of the Secretary of State of 30th July, 1913, under a description of this disease (numbered 15 in the schedule) in the first column, the word "mining" appeared opposite to it in the second column—that is, in the column giving the description of process. Clearly the introduction of the disease in the schedule made it a disease which could be certified, and if the workman was a miner, then, *prima facie*, he was relieved from shewing that the disease was due to the nature of his employment if he was at or immediately before the date of disablement employed on the process mentioned in the second column. But the employers contended that, before compensation could be claimed by a workman suffering from subcutaneous cellulitis of the hand, he must establish that the disease was due to the nature of his employment, which in some way was connected with "mining," and reliance in support of that contention was placed upon this. It was said that in the case of the disease known as miner's nystagmus, which was described in No. 12 of the extended schedule, this limitation was expressly removed, because the words were added after the description of that disease "whether occurring in miners or others," and, there being no such extending words in No. 15 following the description of subcutaneous cellulitis of the hand, compensation could only be recovered if the disease occurred in the case of a man employed in the process of "mining." In his lordship's opinion that contention could not succeed. It was obvious that the words of description in No. 12 were inserted there as descriptive of the disease which was known as miner's nystagmus with a view to make it quite clear that it was the disease known generally by that name, which was referred to because it was a disease which often occurred in persons other than miners, and if a workman was found to be suffering from it he could be certified as suffering from miner's nystagma. The description of a disease was not intended to be limited to the disease occurring in persons engaged only in the particular process mentioned in the second column opposite to the description of the disease in the first column. The object of referring to a particular process was that if the disease occurred to a workman while actually engaged in that process, he should be relieved from the burden of proof as the disease "should be deemed to be due" to his employment at that particular work. The appeal therefore failed.

DUKE, L.J., and EVE, J., agreed.—COUNSEL, for the appellants, *Greer*, K.C., and *E. Meynell*; for the respondents, *Giveen*. SOLICITORS, *Crossman, Prichard, & Co.*, for *Dees & Thompson*, Newcastle-upon-Tyne; for respondents, *Brash Wheeler, Chambers, & Co.*, for *Stanford & Lambert*, Newcastle-upon-Tyne.

[Reported by ERSKINE REID, Barrister-at-Law.]

WILD v. JOHN BROWN AND CO. (LIM.). No. 1. 1st and 4th November.

WORKMEN'S COMPENSATION—AVERAGE WEEKLY EARNINGS—MINER—EARNINGS AS TRADE UNION DELEGATE—EMPLOYMENT AS INSPECTOR OF COAL MINES—CONTRACT OF SERVICE—COAL MINES ACT, 1911 (1 & 2 GEO. 5, C. 50), S. 16—WORKMEN'S COMPENSATION ACT, 1906 (6 ED. 7, C. 58), SCHED. I. 2 (B).

A miner was employed during part of his time as delegate of his branch of a miners' trade union, and also as an inspector under section 16 of the Coal Mines Act, 1911, and an inspector of abnormal working places, for all of which services he received payment.

Held, that he was not so employed under any concurrent contract of service, and therefore that his earnings in that respect could not be taken into consideration in computing compensation for injury by accident in the course of his employment.

Appeal by the employers from a decision of the county court judge at Rotherham. The applicant was a miner who had been incapacitated for work for a short time by a slight accident, and the only question at the arbitration was as to the computation of his average weekly earnings. His average weekly earnings as a miner were £1 9s. 10d. He had been appointed as a branch delegate of the Yorkshire Miners' Association, in which capacity he had to attend occasional meetings, and if he lost a day's work in so doing, he was paid. He was also appointed by his fellow-workmen an inspector and check-weighman under the Coal Mines Regulation Act, 1911, s. 16, and for his services in that capacity was paid 16s. 9d. a day. He was further appointed an inspector of abnormal working places under the Coal Mines (Minimum Wage) Act, 1912, and for the time so occupied was also paid. None of these payments were made by his employers. He contended that the moneys he earned in these capacities were earned under concurrent contracts of service within schedule 1 (2) (b) of the Act, and therefore ought to be taken into consideration in computing the compensation payable. If they were so reckoned in, the rate of compensation, including war bonus, would be raised from the admitted figure of 18s. 8d. a week to 25s. The county court judge decided in favour of his contention, and the employers appealed.

THE COURT allowed the appeal.

SWINFEN EADY, M.R., after stating the facts, proceeded: The county court judge had decided in favour of the workman on the grounds (1) that the additional amounts which he received were earned under "concurrent contracts of service," and (2) that they were received by the applicant by reason of his employment as a collier, not from his employers, but under an implied contract with them, that he might receive those sums for his services as delegate and inspector. The first question, therefore, was whether the learned judge was right in holding that these were concurrent contracts of service. It was contended that the relation of employer and workman was created by his being elected a delegate of his branch of the Yorkshire Miners' Association. He was simply elected a delegate in pursuance of the rules of the association as an "experienced miner employed in or about a mine." [His lordship, having examined the rules, continued]: It could not be said that, in a matter of such importance, a delegate could do other than exercise his own judgment and discretion, and therefore he could not be said to be under a contract of service with his branch. The next question arose as to the payment of 16s. 9d. for one inspection under the Coal Mines Act, 1911, section 16, under which the workmen might employ two men to inspect the mine, and a person so appointed had a statutory right to inspect it. The essential element which distinguished a contract of service from a contract for services was the retention by the master of the power of control, and here there was no power of control retained at all. He had the right to go into any part of the mine to exercise his own judgment and make a full and accurate report. A workman so appointed an inspector was not a person who could be said to be under a contract of service with the employers. The same applied to his position as inspector of abnormal working places. In none of these three matters could it be said that the applicant had entered into a concurrent contract of

service. On the second question it had been determined that a man's earnings under a contract of service were not limited to his earnings paid to him by his employer. He might receive other moneys from persons who had business with his employer, for performing services for them: *Great Western Railway* v. *Helps* (1918, A.C. 144). But in that case the servant was doing the very work which he was employed to do, though he might be rendering services to other people, as, for example, a railway porter or a waiter at a hotel or restaurant. In all those cases the money received from outside persons was for doing services under his contract of service with his employers. Those cases had no analogy to the present case, where, on the day when he rendered services to the union, he did not go down the mine or work for the employers at all. He had leave of absence, but that was all. There was no trace of any evidence to support such a special bargain with the employers as had been found by the county court judge. On both points the award of the learned judge could not be supported, and the appeal must be allowed.

DUKE, L.J., and EVE, J., delivered judgment to the same effect.—COUNSEL, *Compston*, K.C., and *T. E. Ellison*; *Leslie Scott*, K.C., and *Shakespeare*. SOLICITORS, *Gichard, Gummer & Furniss*, Rotherham; *Corbin, Greener & Cook*, for *Raley & Son*, Barnsley.

[Reported by H. LANGFORD LEWIS, Barrister-at-Law.]

CALVER *v.* **GROOM AND SYMONDS.** No. 1. 29th October; 4th and 5th November.

WORKMEN'S COMPENSATION—RATE OF COMPENSATION—ENGAGEMENT FOR MALTING SEASON—TOTAL INCAPACITY—WORKMEN'S COMPENSATION ACT, 1906 (6 ED. 7, c. 56), SCHED. 1 (1) (B), (2).

For several years a workman had been employed during the malting season, usually from October to March, by the respondents at a wage of £2 a week. For the rest of the year he was employed elsewhere as a farm labourer at 25s. a week, with harvest money, about £10. During the malting season of 1917-1918 he was employed by the respondents, but had only been working for about three weeks when he met with an accident which caused total incapacity.

The county court judge decided that the best way of estimating the compensation payable to the applicant was to ascertain his total earnings for the year, which he found to be £78, and he awarded him 15s. a week, plus 25 per cent. war bonus, making a total of 18s. 9d. a week. The applicant appealed, and asked that the compensation should be on the basis of £2 a week, and contended that there was nothing to justify the learned judge taking into account what he received as a farm labourer, because he was not under any concurrent contract of service with another employer.

Held, that the dominant object of the Act was to compensate an injured workman for the loss of what he would otherwise have earned but for the accident. Where the terms of the employment made it impracticable to compute the rate of remuneration, an estimate could be made of what he would have received. The award being made on that basis, the Court would not interfere with it.

Perry v. Wright (1908, 1 *K. B.* 441; 1 *B. W. C. C.* 363) *considered and applied.*

Appeal by the workman from an award in his favour made by Judge Eardley Wilmot at the Diss (Norfolk) County Court, on the ground that the amount of compensation was insufficient, and that if the terms of the statute had been observed the award should have been for a larger sum.

SWINFEN EADY, M.R., in giving judgment, said that the accident happened on 17th November, 1917. At that date the applicant was engaged as a labourer for a maltster. The standing wage was 36s., with 3s. a week for overtime. The accident happened soon after he had entered the employer's service. He entered his service on 22nd October, 1917, and the accident happened on 17th November—that is to say, after he had been at work about three weeks. It appeared that for some fourteen years he had been in the habit of working for this employer during the malting season. The county court judge had found in his award the terms upon which the applicant had been remunerated from time to time. The award recited that "the applicant has been employed by the respondents each year during the malting season as a maltster's labourer for several years past, working for them in such capacity from about October to March each year (except during the season 1916-17, when he started on 5th January, 1917), and during the interval has been employed elsewhere," and he said that "in the year of the accident"—taking twelve months before the date of the accident—"he was so employed by the respondents from 5th January to 16th March, 1917"—that was the malting season—"when he left such employment, and took up work as a farm labourer for a Mr. Albert Chaplyn, of Diss, at a weekly wage of 25s. per week, which continued until the following September, after which applicant worked for a Mr. Frank Gaze, of Diss, for four weeks—harvest—receiving £10 for that month as wages." Then it recited that "the applicant again entered the service of the respondents on 26th October, 1917"—in another place it was put as the 22nd, but nothing turned on the exact date—"at a higher rate of wages than hitherto, namely, 36s. per week, in addition to which he regularly earned with them overtime wages and an occasional allowance for beer money." So that during the twelve months in question he had worked for part of the time as a labourer for the maltster, he then had worked as an agricultural labourer at 25s. a week, he then had a harvest engagement that worked out about £2 10s. a week—£10 for the four weeks—and then he entered the service of the respondents at a wage of about 39s. a week. Under those circumstances what was the proper way to arrive at the sum that ought to be awarded him as compensation? Lord Dunedin, in the *Great Western Railway Co.* v. *Helps* (62 SOLICITORS' JOURNAL, 120; 1918, A. C. 141), said that the language used in the Act as to the compensation which was directed to be paid by the employer to a workman who was injured by accident arising out of and in the course of his employment had its natural meaning, that was to say, something that was to be paid which made up for the loss that the man had sustained, and that was what he was entitled to. In *Perry* v. *Wright* (1908, 1 K. B. 441; 1 B. W. C. C. 363) Lord Cozens-Hardy, M.R., said that the dominant principle—that was, the dominant principle in ascertaining the compensation to be paid to the man—was to be found in the first schedule, clause 2 (a): "Average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated." This could scarcely be confined to one date, namely, to the date of the accident, having regard to the proviso which followed, which contemplated cases in which computation was impracticable. That view, which was also expressed by Fletcher Moulton, L.J., in the same case, was adopted and confirmed by the House of Lords in the subsequent case of *Anslow* v. *Cannock Chase Colliery Co. (Limited)* (1908, A. C. 435; 2 B. W. C. C. 365). Lord Loreburn there said: "The object of the Act of Parliament was to compensate a workman for his incapacity to earn, which is to be measured by what he could earn under the conditions prevailing before and up to the time of the accident. If the workman takes a holiday and forfeits his wages, that does not interfere with what he can earn. It is only that for a month he did not choose to work. But if it is one of the incidents of his employment to stop for a month, then he cannot earn wages for that time in that employment, and his capacity to earn is less over a year." In the present case the applicant contended that his wages ought to be taken at the exact amount per week he was earning at the moment of the accident, and that, notwithstanding the very short period in which he was engaged, and notwithstanding the terms of the employment and the nature of the employment, compensation should be awarded to him as though he were earning £2 a week throughout the year, such compensation being based on the wages earned since his renewed employment at the maltster's, that is, for the very short time he was engaged. But to take his wages per week at £2, and then to assume the work would have been continuous throughout the year, as he would be employed throughout the year, or to assume his average earnings would have amounted to £2 a week throughout the year, would not be just to the employer. In his lordship's judgment it was obvious the learned Judge had come to the conclusion that it was impracticable in the present case, that it would not be just to do it. That being so, he had regard, rightly, to the facts and circumstances in the case. He made no mistake in law in arriving at the average earnings in the fairest and best manner he could. For these reasons the appeal could not be supported, and should be dismissed.

DUKE, L.J., and EVE, J. agreed. Appeal dismissed.—COUNSEL, for the appellant, *Van den Berg*; for the respondents, *H. Maddocks*. SOLICITORS, for the appellant: *Morris & Bristow*, for *B. R. Yorke*, Eye, Suffolk; for the respondents, *Vizard, Oldham & Co.*, for *Mills & Reeves*, Norwich.

[Reported by ERSKINE REID, Barrister-at-Law.]

High Court—Chancery Division.

Re **HAMPTON. THE PUBLIC TRUSTEE** *v.* **HAMPTON.** Sargant, J. 29th October.

TRUSTEE—PUBLIC TRUSTEE—POWER TO SELECT CHARITIES TO BENEFIT UNDER A TESTATOR'S WILL—PUBLIC TRUSTEE ACT, 1906 (6 ED. 7, c. 55), s. 2, SUB-SECTION (5).

The Public Trustee is precluded, by section 2, sub-section (5), of the Public Trustee Act, 1906, from accepting a trust which involves the selection of charitable objects for the testator's bounty. Such selection is a power attached to the office of trustee, and would devolve on persons appointed trustees by the Court.

Re Smith, Eastwick v. Smith (1904, 1 *Ch.* 139) *applied.*

This was an originating summons taken out by the Public Trustee against the residuary legatees of the testator and the Attorney-General, asking: (1) Whether the Public Trustee was precluded by section 2, sub-section (5), of the Public Trustee Act, 1906, from accepting the trust for the charitable objects contained in the will, and if he was precluded; (2) whether the selection of the charitable institutions or objects was exercisable by the Public Trustee, or by any other and what person or authority. There was no dispute that there was a valid trust for charity. The testator had devised to the Public Trustee certain mines and minerals under lands in Kent upon trust for sale, and directed that the Public Trustee should hold the proceeds of such sales "in trust for such charitable institution or institutions for the benefit of mankind in the county of Kent or such other charitable object or objects for the benefit of mankind in the same county of Kent as the Public Trustee might in his absolute discretion select, such net proceeds of sale to be paid to or for such institutions or objects, if more than one, in such proportions as the Public Trustee might think proper." And the

testator empowered the Public Trustee in his absolute discretion, if he should think it advisable, to establish such a charity in the county of Kent for the benefit of mankind as he should deem most suitable, instead of paying money to any institution or charity already existing. The testator then devised his real estate (other than the mines and minerals aforesaid) and his personal estate to his trustees on trust for sale and conversion, and to pay the proceeds in equal shares to his brother and sister therein named. He died seized of considerable estate in Kent on 16th July, 1917. The section under consideration on this summons was section 2, sub-section (5), of the Public Trustee Act, 1906, which is as follows: "The Public Trustee shall not accept any trust exclusively for religious or charitable purposes, and nothing in this Act contained, or in the rules to be made under the powers in this Act contained, shall abridge or affect the powers or duties of the official trustee of charity lands or official trustees of charitable funds."

SARGANT, J., after stating the facts, said: The trust to make the selection is a trust which the Public Trustee is precluded from accepting by the very terms of section 2, sub-section (5), of the Public Trustee Act, 1906. I think that the trust to realize the mines and minerals and to hold the proceeds for the charitable objects are inseparable, the first trust being merely ancillary to the principal trust in favour of charity. The Public Trustee submitting to disclaim the devise in the will, it is referred to chambers to appoint new trustees of the mines and minerals, who, in my opinion, will then be in a position to exercise the power of selecting the charitable objects, the power being one which is attached to the office of the trustee within the principle of *Re Smith, Eastwick* v. *Smith* (*supra*).—COUNSEL, *Howard Wright; Sanger; Austen-Cartmell.* SOLICITORS, *Helliwell, Harby & Evershed; The Treasury Solicitor.*

[Reported by L. M. MAY, Barrister-at-Law.]

LEVET v. GAS LIGHT AND COKE CO. Peterson, J. 16th-18th, 22nd and 25th October.

EASEMENT—ANCIENT LIGHTS—LIGHT TO A DOORWAY—PRESCRIPTION ACT, 1832 (2 & 3 WILL. 4, c. 71), s. 3.

An owner of a house who opens an ordinary door whenever he pleases, and by this means lights the space behind the doorway, cannot claim a prescriptive right to light through the doorway. Section 3 of the Prescription Act, 1832, applies to windows and apertures in the nature of windows.

Tapling v. Jones (1865, 11 *H. L. Cas.* 290) *applied.*

In this action the plaintiff claimed that a certain bridge obstructed the access of light to three windows and a door on the ground floor of his premises and to a window and landing doorway on the first floor. The plaintiff claimed an injunction to restrain the infringement of his ancient lights. The plaintiff was the occupier and lessee of a workshop and premises in Westminster by the side of a 5½ feet passage way, between Horseferry-road and Great Peter-street. He carried on the business of a wood-turner there for twenty years, and he claimed a prescriptive right of light to his premises. The defendants, who owned the house in Horseferry-road, on the other side of the passage, in 1917 acquired a house on the plaintiff's side of the passage, and proceeded to erect a bridge over the passage to connect their two sets of premises. The bridge was completed in 1917, and a licence obtained from the London County Council approving of the erection of the bridge and its retention for six months after the declaration of peace, the work of the defendants being alleged to be work of national importance. The Judge personally inspected the premises and heard the evidence, and came to the conclusion that there was no sensible interference with the light to the window on the first floor or to the windows on the ground floor, but that the light coming to the third small aperture on the ground floor was substantially diminished, and that the bridge materially diminished the light formerly coming through the two doorways when open, and accordingly the point of law had to be argued as to whether ancient lights could be acquired in respect of the light coming through these doorways when opened. Counsel for the defendants submitted that there was no right to access of light through an aperture such as a door which is primarily intended to exclude light, and they referred to Gale on Easements (9th edition, p. 290) and *inter alia* to *Harris* v. *De Pinna* (1886, 33 Ch. D. 238).

PETERSON, J., in the course of a considered judgment, came to the conclusions of fact above stated, and said: The question now remains whether the plaintiff has any right to complain that the access of light through the two doorways has been obstructed, or, in other words, whether an owner of a house who opens an ordinary door whenever he pleases, and by this means lights the space behind the door, can claim a prescriptive right to light through the doorway. Here the upper door was opened, when the weather was favourable, to obtain additional light for a bench, while the lower door was opened to afford ingress and egress, and is also frequently kept open in suitable weather to admit light to the shop and let dust out. So far as reported decisions go, this is the first case where it has been contended that a prescriptive right to light can be obtained in such circumtances. The question is whether section 3 of the Prescription Act applies to a door which is left open or kept shut as occasion requires. It is difficult to see what is the measure of the light which has been enjoyed. I am of opinion that the section applies to windows or apertures in the nature of windows, and not to apertures with doors in them, which are primarily constructed for the purpose of being closed. In *Tapling* v. *Jones* (*supra*) Lord Westbury, at pp. 305 and 306, expressed the view that the section might be read as meaning "when any window of a dwelling-house, workshop or other building shall have been actually enjoyed," stating that he considered that the access of light referred to in the section was access to a window or an aperture in the nature of a window. No one before this case appears to have suggested that if an ordinary door is left open from time to time, as and when the owner thinks fit during twenty years, the doorway becomes an ancient light. The result would be surprising. I am of opinion that the plaintiff's contention is erroneous, and that he has not acquired any rights to the access of light through the two doorways in question. The only good ground of complaint, therefore, is in connection with the obstruction to the small window on the ground floor, and as to that I assess the sum of £15 as adequate to satisfy the injury sustained. Each side must pay their own costs.—COUNSEL, *Tomlin*, K.C., and *J. W. Manning; Hughes*, K.C., and *Dighton Pollock.* SOLICITORS, *Bartlett & Gregory; Monier-Williams, Robinson & Milroy.*

[Reported by L. M. MAY, Barrister-at-Law.]

High Court—King's Bench Division.

BALDOCK v. WESTMINSTER CITY COUNCIL. Div. Court. 5th November.

LOCAL AUTHORITY—STREET REFUGES—LIGHTING—LIGHTS GOING OUT—NEGLIGENCE—EVIDENCE—METROPOLIS MANAGEMENT ACT, 1855 (18 & 19 VICT. c. 120), s. 130.

The plaintiff's servant, in driving a taxicab on a dark and rainy night, drove his cab against the guard posts of a street refuge on which was a standard with an electric lamp, the light of which had gone out. The cab was injured, and the plaintiff brought an action in the county court to recover damages. The refuge had been built by the defendants' predecessors under statutory powers contained in section 108 of the Metropolis Management Act, 1855, and the lighting was under powers conferred by section 130 of the same Act. The jury found that the defendants were negligent in omitting to maintain a danger lamp on the refuge, and that the lamp on the standard was not alight at the time of the accident, but that there was no conclusive evidence to shew why the lamp went out. The deputy judge of the county court entered judgment for the defendants on the ground that there was no evidence to shew that the lamp had gone out before the night of the accident, or that the defendants knew it had gone out, or was likely to go out; neither was there any evidence that the defendants knew, or ought to have known, that it had gone out on the night of the accident.

Held, that there was evidence on which the jury might come to the conclusion that there was negligence on the part of the defendants, and that judgment must be entered for the plaintiff. It was not necessary that the plaintiff should prove that the particular lamp had gone out on previous occasions, or had gone out on the night in question, or was likely to go out to the knowledge of the defendants. There was evidence for the jury in the fact that the lamps generally were liable to go out in the circumstances that existed at the time. The defendants had undertaken to light the refuge, and had lighted it, and the question whether the defendants ought to have taken further precautions was for the jury.

Action tried before the deputy judge of the Lambeth County Court. The action was for negligence in failing to have a street refuge at Cockspur-street, in Westminster, properly lighted, and in not supplying a proper lamp for the refuge, and for failing to place a red lamp or other warning on the refuge, and for negligence in placing on the highway a refuge and standard which were a nuisance through not being properly lighted. In the event of the defendants being held liable the damages were agreed at £48 15s. The defendants were the successors of the St. Martin's Vestry, and the refuge and the standard, on which there had been an electric lamp, were placed in position by the vestry, the exact date not being stated. The refuge had guard posts at either end, with a standard lamp in the centre, and the guard posts were whitened. The refuge was erected under powers conferred by section 108 of the Metropolis Management Act, 1855, and the lighting was done under the powers given by section 130 of the same Act. Since August, 1914, owing to the war, a great number of Orders had been made by the Home Secretary under the powers of the Defence of the Realm Regulations, ordering the various councils in London to diminish the normal lights of the highways and streets, and at the time of the accident in question all lights in the street had been ordered to be considerably diminished. Owing to difficulties occasioned by the automatic arrangement for keeping the carbons in the lamp in position the carbons in some instances stuck, and the light was liable to go out at times owing to the low pressure. On 20th March, 1917, a taxicab driver employed by the plaintiff was driving a taxicab with a fare along Cockspur-street, the night being rainy and very dark. He drove his taxicab against the guard posts of the refuge, damaging the cab. For this damage the action was brought. The jury found: (1) The accident was not due to inevitable accident in the reduced conditions of street lighting; (2) It was due to negligence on the part of the defendants; (3) The negligence was omitting to maintain a danger lamp on the refuge; (4) There was no negligence on the part of the plaintiff; (5) The lamp on the refuge

was not alight at the time of the accident; (6) There was no conclusive evidence to shew why the lamp went out. On these findings the deputy county court judge entered judgment for the defendants. In stating his reasons he said he could not find a scintilla of evidence that this particular lamp had gone out before the night of the accident, or that the defendants knew it had gone out or was likely to go out, or that they ought to have known it had gone out on the night of the accident, and that it would be unreasonable to hold that the defendants were bound to provide against the contingency of a particular lamp going out. Neither was there any evidence that the defendants were negligent in omitting to maintain a danger lamp on the refuge. The plaintiff appealed from this judgment.

LUSH, J., said this case raised a question of considerable importance. Mr. Drury had contended for the plaintiff that the fact of the defendants having erected this refuge under statutory powers was sufficient to impose on them the obligation of exercising those powers with reasonable care for the safety of the public using the highway. He urged that whenever a highway authority erected a refuge such as this under statutory powers, they were bound at all times, and in all events, to take reasonable care to light it so that persons using it might not run into it and be injured. It was not necessary for the purposes of the present case to say whether this was right or wrong, and the difficulty of such a view was to see how far a public body was responsible after a work was completed for taking measures against risks which might accrue long afterwards; but that question did not call for a precise answer in the case under consideration. Section 130 of the Metropolis Management Act, 1855, provided for the lighting and maintaining and the lighting of the streets with such lamps as the Board might think necessary and proper. It would not be competent for a jury to question the decision of the local authority as to what was a reasonable and proper degree of lighting, if the local authority had come to the conclusion, on reasonable grounds, that such and such a degree of lighting was necessary. Here, however, the defendants had adopted the view that the refuge must be lighted, had undertaken to light it, and had lighted it, and the question was whether there was any evidence that they had not taken reasonable care in the discharge of that duty which they had recognized as incumbent upon them. The learned deputy county court judge had held that there was no evidence to justify the jury coming to that conclusion. He said, in effect, that if it had been shewn that this particular lamp had gone out on this particular refuge, then it would have been competent for the jury to say that the defendants were negligent in not providing a substitute or alternative lamp. If they had known, or might have known, of its going out, the jury would have been warranted in saying that they should have taken measures to guard against this risk. But it was not a vital point, as the deputy judge had supposed, to shew that the particular lamp had gone out before, or had gone out that night to the knowledge of the defendants, or that it was likely to go out. There was evidence that the lamps generally were liable to go out owing to low pressure, and that there was need for guarding against the danger of the lights ceasing. That was a mere question of fact or degree for the jury—whether the facts were such as to make it incumbent on the defendants to take further precautions. If there was any evidence of this it was a pure question of fact for the jury, and though this Court might not have taken the same view the Court could not interfere with their conclusion. The appeal should be allowed, and judgment entered for the plaintiff.

BAILHACHE, J., agreed.—COUNSEL, *Thorn Drury*, K.C., and *Harold Brandon*, for appellant; *Courthope-Munroe*, K.C., and *Lort-Williams*, for respondents. SOLICITORS, *Edmond O'Connor; Allan & Sons.*

[Reported by G. H. KNOTT, Barrister-at-Law.]

New Orders, &c.

The King's Messages.

We may on the occasion of the cessation of hostilities not inappropriately place on record here the following messages sent by the King:—

TO THE NAVY.

To the Right Hon. Sir Eric Geddes, G.O.E., K.C.B., M.P., First Lord of the Admiralty:—

Now that the last and most formidable of our enemies has acknowledged the triumph of the Allied arms on behalf of right and justice, I wish to express my praise and thankfulness to the officers, men and women of the Royal Navy and Marines, with their comrades of the Fleet auxiliaries and mercantile marine, who for more than four years have kept open the seas, protected our shores, and given us safety.

Ever since that fateful Fourth of August, 1914, I have remained steadfast in my confidence that, whether fortune frowned or smiled, the Royal Navy would once more prove the sure shield of the British Empire in the hour of trial.

Never in its history has the Royal Navy, with God's help, done greater things for us, nor better sustained its old glories and the chivalry of the seas.

With full and grateful hearts the peoples of the British Empire salute the White the Red and the Blue Ensigns, and those who have given their lives for the Flag.

I am proud to have served in the Navy. I am prouder still to be its Head on this memorable day. GEORGE R.I.

11th November, 1918.

TO THE ARMY.

To the Right Hon. the Viscount Milner, G.C.B., G.C.M.G., Secretary of State for War.

I desire to express at once through you to all ranks of the Army of the British Empire, Home, Dominion, Colonial, and Indian Troops, my heartfelt pride and gratitude at the brilliant success which has crowned more than four years of effort and endurance.

Germany, our most formidable enemy, who planned the war to gain the supremacy of the world, full of pride in her armed strength and of contempt for the small British Army of that day, has now been forced to acknowledge defeat.

I rejoice that in this achievement the British Forces, now grown from small beginnings to the finest Army in our history, have borne so gallant and distinguished a part.

Soldiers of the British Empire! In France and Belgium the prowess of your arms, as great in retreat as in victory, has won the admiration alike of friend and foe, and has now by a happy historic fate enabled you to conclude the campaign by capturing Mons, where your predecessors of 1914 shed the first British blood. Between that date and this you have traversed a long and weary road; defeat has more than once stared you in the face; your ranks have been thinned again and again by wounds, sickness and death; but your faith has never faltered, your courage has never failed, your hearts have never known defeat.

With your Allied Comrades you have won the day.

Others of you have fought in more distant fields; in the mountains and plains of Italy; in the rugged Balkan ranges; under the burning sun of Palestine, Mesopotamia, and Africa; amid the snows of Russia and Siberia; and by the shores of the Dardanelles.

Men of the British race who have shared these successes felt in their veins the call of the blood and joined eagerly with the Mother Country in the fight against tyranny and wrong. Equally those of the ancient historic peoples of India and Africa, who have learned to trust the Flag of England, hastened to discharge their debt of loyalty to the Crown.

I desire to thank every officer, soldier and woman of our Army, for services nobly rendered, for sacrifices cheerfully given; and I pray that God, Who has been pleased to grant a victorious end to this great crusade for justice and right, will prosper and bless our efforts in the immediate future to secure for generations to come the hard-won blessings of freedom and peace. GEORGE R.I.

11th November, 1918.

TO THE AIR FORCE.

To the Right Hon. Lord Weir, Secretary of State and President of the Air Council.

In this supreme hour of victory I send greetings and heartfelt congratulations to all ranks of the Royal Air Force. Our aircraft have been ever in the forefront of the battle; pilots and observers have consistently maintained the offensive throughout the ever-changing fortunes of the day, and in the war zones our gallant dead have lain always beyond the enemies' lines or far out to sea.

Our far-flung squadrons have flown over home waters and foreign seas, the Western and Italian battle lines, Rhineland, the mountains of Macedonia, Gallipoli, Palestine, the plains of Mesopotamia, the forests and swamps of East Africa, the North-West frontier of India, and the deserts of Arabia, Sinai, and Darfur.

The birth of the Royal Air Force, with its wonderful expansion and development, will ever remain one of the most remarkable achievements of the Great War.

Everywhere, by God's help, officers, men and women of the Royal Air Force have splendidly maintained our just cause, and the value of their assistance to the Navy, the Army, and to Home Defence has been incalculable. For all their magnificent work, self-sacrifice, and devotion to duty, I ask you on behalf of the Empire to thank them.

11th November, 1918. GEORGE R.I.

TO THE OVERSEAS DOMINIONS.

The following telegram was sent, addressed to the Governors-General of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, and the Officer Administering the Government of Newfoundland, to be communicated to their Ministers:—

Urgent. 11th November.

At the moment when the armistice is signed, bringing, I trust, a final end to the hostilities which have convulsed the whole world for more than four years, I desire to send a message of greeting and heartfelt gratitude to my overseas peoples, whose wonderful efforts and sacrifices have contributed so greatly to secure the victory which now is won.

Together we have borne this tremendous burden in the fight for justice and liberty. Together we can now rejoice at the realization of those great aims for which we entered the struggle. The whole Empire pledged its word not to sheathe the sword until [illegible] was achieved. That pledge is now redeemed.

The outbreak of war found the whole Empire one. I rejoice to think that the end of the struggle finds the Empire still more closely united by the common resolve held firm through all vicissitudes by

the community of suffering and sacrifice, by the dangers and triumphs shared together.

The hour is one of solemn thanksgiving and of gratitude to God, Whose Divine Providence has preserved us through all perils and crowned our arms with victory. Let us bear our triumph in the same spirit of fortitude and self-control with which we have borne our dangers. GEORGE R.I.

TO THE ALLIES.

The King sent telegrams to the heads of Allied countries, from which we select the following :—

TO THE KING OF THE BELGIANS.

At a moment when atonement is at last to be made for the cruel wrong done to you and to your country, I send to you and to your gallant people a message of sincere congratulation and respect. You have embodied in your person that magnificent courage and sense of honour which have placed Belgium in the forefront of the history of our generation, and it is a deep joy for me and for my people to think that your steadfastness and sacrifice will not have been in vain.

TO THE PRESIDENT OF THE FRENCH REPUBLIC.

I desire, M. le Président, at this moment of supreme thanksgiving, to convey to you, and, through you to the French Army and people, an expression of my most sincere and heartfelt congratulation. For more than four years the Navies and Armies of France and of the British Empire have shared the same dangers, the same sufferings, and the same triumphs, and in this moment of mutual rejoicing our hearts go out to you—our loyal comrades who have stood side by side with us in the dark days which are now passed.

The fighting men of the British Empire will carry back to their homes a personal and enduring memory of French courage, of French loyalty, and of French kindness, and it is a joy for us here to feel that through the direction of so illustrious a Marshal of France the ultimate solace of complete victory and retribution has and will be secured. Our two countries, M. le Président, have done and suffered much in the cause of freedom; but our efforts and sacrifices have not been in vain. It is with deep thanksgiving that I salute the day which has seen the most glorious of all days in the history of France.

TO THE PRESIDENT OF THE UNITED STATES.

At this moment of universal gladness I send you, Mr. President, and to the people of your great Republic, a message of congratulation and of deep thanks, both in my own name and in that of the people of this Empire. It is indeed a matter of solemn thanksgiving that the peoples of our two countries, akin in spirit as they are in speech, should to-day be united in this, the greatest of Democracy's achievements.

I thank you, Mr. President, and the people of the United States, for the high and noble part which you have played in this glorious chapter of the history of freedom.

War Orders and Proclamations, &c.

The *London Gazette* of 8th November contains the following, in addition to matter printed below :—

1. The Prohibition of Import (No. 28) Proclamation, 1918, prohibiting the importation into the United Kingdom of the following articles :—

Oleo stearine and tallow.
Olive oil.
Onions.

2. An Order of the Board of Trade, dated 31st October, allowing an increase of the Rates, Dues and Charges of the Port of London Authority.

3. A further Notice that licences under the Non-Ferrous Metal Industry Act, 1918, have been granted by the Board of Trade to certain companies, firms or individuals.

4. A Notice that an Order has been made by the Board of Trade under the Trading with the Enemy Amendment Act, 1916, requiring the business of Piazza Brothers, 33, Barbican, London, E.C. 1, Manufacturers' Agents, to be wound up.

5. A Notice under the Corn Production Act, 1917, by the Agricultural Wages Board (England and Wales) of a proposal to fix Minimum Rates of Wages for Male Workers under the age of 18 years in Merioneth and Montgomery.

The *London Gazette* of 12th November contains the following :—

6. An Order in Council, dated 8th November, making new Defence of the Realm Regulations.

7. A Notice, dated 12th November, under the Representation of the People Act, 1918, in accordance with the provisions of the Rules Publication Act, 1893, that, after the expiration of forty days from the date thereof, it is proposed to submit to His Majesty in Council the Drafts of two Orders in Council under the Representation of the People Act, 1918:

(i) Making necessary provisions (a) under Section 21 (2); (b) with respect to forfeited deposits at University elections; and (c) as to registered electors who join the forces after the closing of the first Register; and

(ii) prescribing (a) registration dates, &c., for the second Register to be prepared under the Act; and (b) substituting a new Form in lieu of the Form (A) now required to be filled in by householders and occupiers

8. An Order of the Board of Trade under the Companies (Particulars as to Directors) Act, 1917, prescribing the form in the Schedule thereto as the form in which the particulars required by Section 2 of the Companies (Particulars as to Directors) Act, 1917, shall be sent to the Registrar of Companies.

9. An Order of the Board of Trade under the Companies Acts, 1908-1917, making alterations in and additions to the form E in the third Schedule to the Companies (Consolidation) Act, 1908, and directing that the form set out in the Schedule to the Order or a form as near thereto as circumstances admit is the form to be used in making the list of Members and summary of capital required by Section 26 of the Companies (Consolidation) Act, 1908, as amended by the Companies (Particulars as to Directors) Act, 1917.

Order in Council.

NEW DEFENCE OF THE REALM REGULATIONS.

[Recitals.]

It is hereby ordered, that the following amendments be made in the Defence of the Realm Regulations :—

Assisting Absentee Soldiers.

1. In Regulation 43B [62 SOLICITORS' JOURNAL, 607] after the word "soldier" wherever that word occurs there shall be inserted the words "or airman."

Assisting Prisoners of War or Interned Persons.

2. The following Regulation shall be substituted for Regulation 46A :—

"46A. If any person—

(a) assists any prisoner of war to escape or knowingly harbours or assists any prisoner of war who has escaped;

(b) without lawful authority transmits, either by post or otherwise, or conveys to any prisoner of war any money or valuable security, or any article likely to facilitate the escape of any prisoner of war;

(c) (i) without lawful authority transmits or conveys otherwise than by post to any prisoner of war any letter, or written message, or written or printed matter;

(ii) without lawful authority transmits or conveys by post or otherwise on behalf of any prisoner of war any letter, or written message, or written or printed matter;

(d) without lawful authority conveys or sells any article of food to any prisoner of war who is in any place of detention for prisoners of war, or who is in receipt of Government rations;

(e) without lawful authority conveys or sells any intoxicating liquor or tobacco to any prisoner of war;

(f) being a person by whom any prisoner of war is employed fails to comply with any instructions issued to him by the proper authority as to the conditions of such employment;

(g) does any act calculated or likely to prejudice the discipline of any prisoner of war or to interfere with the administration of any place of detention for prisoners of war or to interfere with the arrangements for the custody, management, employment, or proper conduct of any prisoner of war;

he shall be guilty of an offence against these Regulations.

"This regulation applies to interned persons, and to persons detained by order or under the directions of a Secretary of State while awaiting repatriation or deportation, as it applies to prisoners of war."

Protection from Air Raids.

3. In paragraph (*b*) of sub-section (1) of Regulation 55B for the words "or any of them" there shall be substituted the words "and, if so required, in any adjoining area, or any of such brigades."

8th November. [*Gazette*, 12th November.

Army Council Order.

THE QUININE (DEALINGS) ORDER, 1918.

1. No person shall purchase or sell or make or take delivery of or payment for any Sulphate of Quinine at prices exceeding those indicated in the Schedule hereto annexed, or such other prices as in any particular case may be determined by or on behalf of the Director of Army Contracts.

2. No person shall, without a permit issued by or on behalf of the Director of Army Contracts, sell or purchase any Sulphate of Quinine in quantities exceeding 1,000 ozs.

3. All persons having in their possession, custody or control any stocks of Quinine or Quinine Salts exceeding 25 ozs., shall furnish such particulars as may be required by or on behalf of the Director of Army Contracts.

4. This Order may be cited as the Quinine (Dealings) Order, 1918.

[Schedule of Maximum prices.]

7th November. [*Gazette*, 8th November.

Board of Trade Orders.

THE PETROLEUM PRODUCTS (WHOLESALE PRICES) No. 3 ORDER.

1. The Schedule to the Petroleum Products (Wholesale Prices) No. 2 Order, 1918 [62 SOLICITORS' JOURNAL, 707], is hereby amended by substituting the sum of 3¼d. per gallon for the sum of 2¼d. per gallon as the additional charge that may be made for the delivery of both Gas Oil and Fuel Oil in barrels ex wharf.

2. This Order may be cited as The Petroleum Products (Wholesale Prices) No. 3 Order, 1918.

5th November. [*Gazette*, 8th November.

THE ROAD TRANSPORT (No. 3) ORDER, 1918.

1. Paragraphs 1, 2 and 3 of the Road Transport Order, 1918, may by notice be applied within any particular area specified in such notice to horse-drawn vehicles having a load capacity of less than 15 cwt. either as regards all such vehicles or as regards such vehicles used by any particular class of trader.

2. A notice under this Order shall be given by the Road Transport Board and shall specify the date by which and the form in which and the person to whom returns relating to the vehicles to which such notice applies are to be made.

3. From and after such day as may be specified in such notice no person shall use any vehicle to which notice applies for the transport of goods by road except under and in accordance with the terms of a permit granted by the Road Transport Board on behalf of the Board of Trade.

4. A notice under this Order shall be advertised in such manner as the Road Transport Board may determine, and by further notice given by the said Board may be cancelled or suspended in whole or in part.

5. This Order shall, so far as may be necessary, be read and construed together with the Road Transport Order, 1918.

6. The Order may be cited as the Road Transport (No. 3) Order, 1918.

7th November. [*Gazette*, 8th November.

RAILWAY WAGONS DISPOSAL (ENGLAND AND WALES).

1. The trader responsible for the unloading of any railway wagon containing coal, coke or patent fuel delivered by a railway company shall unload it or take delivery of the contents thereof, and shall tender it to or place it at the disposal of the railway company within such time as is specified in the first part of the schedule hereto.

2. The trader responsible for the loading or unloading of any merchandise other than coal, coke or patent fuel conveyed or to be conveyed by railway shall load or unload and tender to or place at the disposal of the railway company the wagon employed, together with the covering sheet or sheets, if any, within such time as is specified in the second part of the schedule hereto.

3. After the expiration of such time as is specified in the schedule hereto, a railway company may make charges for the detention of any wagon or sheet owned by them, or which for the time being they are entitled to use, or for the use or occupation of any accommodation provided by them in connection with or arising out of the detention of any wagon or sheet.

4. No trader shall, without the written consent of the railway company, use for internal purposes any wagon or sheet belonging to a railway company, or any wagon or sheet of which the Board of Trade have taken possession under any Orders made in that behalf.

5. Nothing in this Order shall extend or apply to a wagon belonging to a private owner whilst the same is upon the private siding or premises of such owner, but save as aforesaid this Order applies to all railway wagons whether owned by a railway company or by a private owner. The expression "private owner" includes a person entitled to the use of a wagon under a hiring contract.

6. In this Order the term "trader" includes any person sending or desiring to send or receiving merchandise by railway, at whose disposal a wagon, whether empty or loaded, is placed.

7. The provisions of this Order are in addition to and not in derogation of any other provisions for enforcing the prompt loading and unloading of wagons.

8. The Detention of Wagons and Sheets (England and Wales) Order, 1917, is hereby revoked without prejudice to any matter or thing done or suffered or penalty incurred or proceedings taken thereunder.

10. This Order applies to England and Wales only and may be cited as "The Railway Wagons Disposal (England and Wales) Order, 1918."

[Schedule of Days Allowed for Loading and Unloading.]

[*Gazette*, 12th November.

9th November.

Ministry of Munitions Orders.

THE ELECTRICITY (RESTRICTION OF NEW SUPPLY) ORDER, 1918.

1. No person shall on or after the date hereof, except under and in accordance with the terms of a permit issued under the authority of the Minister of Munitions:—

(*a*) Connect or cause to be connected to any source or means of supply of electricity any place or any building, premises or plant or any part thereof not so connected at the date hereof, or

(*b*) Supply or cause to be supplied any electricity to any place or any building, premises or plant or any part thereof not supplied with electricity at the date hereof, or

(*c*) Use or cause to be used any electricity in or at any such place, building or premises or for the purpose of any such plant as hereinbefore mentioned.

Provided that in any case coming within the scope of the Household Fuel and Lighting Order, 1918, or the Household Fuel and Lighting (Scotland) Order, 1918, as defined by Clause 1 of these Orders respectively, where the previous assent of the Local Fuel Overseer is required and has been duly obtained to any fitting, equipment or supply under Clause 99 of the first mentioned Order or Clause 77 of the secondly mentioned Order, no permit hereunder shall be required for such fitting, equipment or supply or the use of such supply.

2. All applications with reference to this Order should be addressed to the Director of Electric Power Supply, Ministry of Munitions, 8, Northumberland-avenue, London, W.C. 2.

3. This Order may be cited as The Electricity (Restriction of New Supply) Order, 1918.

NOTE.—The permission required by the Order is in addition to and not in lieu of the usual Priority Certificates and permit reference number.

8th November. [*Gazette*, 8th November.

NOTICE OF MODIFICATION OF GENERAL PERMIT AS REGARDS DEALINGS IN CERTAIN CLASSES OF STEEL.

With reference to the Order made by the Minister of Munitions on the 30th November, 1917, applying Regulation 30A of the Defence of the Realm Regulations to war material of the following classes, that is to say:—

Steel—Slabs, Plates, Strips and pieces cut from Plates suitable for re-rolling;

Steel—Plates, Sheets and Black Plate, all open annealed, produced in Sheet Mills;

and to the addition to the General Permit of the 1st November, 1916, relating to such war material of which notice was given on the 30th November, 1917, the Minister of Munitions hereby gives notice as follows:—

As from the 1st October, 1918, until further notice the said General Permit shall take effect as if the following prices and provisions were inserted in the schedule thereto in substitution, where the same differ,

for the prices and provisions contained in the said notice of the 30th November, 1917:—

[Maximum Prices.]

8th November. [*Gazette*, 8th November.

THE SULPHURIC ACID (AMENDMENT OF PRICES) No. 2 ORDER, 1918.

1. As on and from the 1st November, 1918, the maximum prices for Sulphuric Acid fixed by the Sulphuric Acid (Amendment of Prices) Order, 1918, shall cease to be operative, and such Order shall be deemed to be cancelled, but such cancellation shall not affect the operation of that Order up to the 31st October, 1918, nor the liability to any penalty or punishment in respect of any contravention or failure to comply with the Sulphuric Acid Order, 1917, as amended by the Sulphuric Acid (Amendment of Prices) Order, 1918, occurring prior to the 1st November, 1918, nor any proceeding or remedy in respect of such penalty or punishment.

[Schedule of Maximum Prices.]

8th November. [*Gazette*, 8th November.

THE STEEL SUPPLIES PERMIT AMENDMENT (METALLURGICAL COKE), 1918.

Whereas the Minister of Munitions is desirous of fixing certain maximum prices for Metallurgical Coke in addition to those fixed by the Steel Supplies Permit Amendment No. 5 (Metallurgical Coke), 1917, issued by him on the 27th November, 1917, Now the Minister of Munitions hereby gives notice as follows:—

1. On and after the 1st July, 1918, The Steel Supplies (Metallurgical Coke, Iron and Steel) Permit, 1916, issued by the Minister of Munitions on the 1st November, 1916, as modified by the Steel Supplies Permit Amendment No. 5 (Metallurgical Coke), 1917, shall take effect as if in the Steel Supplies Permit Amendment No. 5 (Metallurgical Coke), 1917, the words:—

Lancashire, Staffordshire, Yorkshire, Nottinghamshire, Derbyshire, Lincolnshire, Midland Counties.

	Per ton net f.o.t. makers' ovens.
Blast Furnace Coke	£1 12 0
Foundry Coke	2 5 0
Steel Melting Coke (Sheffield District) ...	2 14 0

had been substituted therein for the words:—

Lancashire, Staffordshire, Yorkshire, Nottinghamshire, Derbyshire, Lincolnshire, Midland Counties.

Blast Furnace Coke £1 12 0

Provided always that the maximum prices hereby fixed shall not apply to any sale or purchase of any of the materials to which the same relate under a contract in writing entered into prior to the 1st July, 1918, at a price not contravening that permitted up to that date.

2. This Notice may be cited as The Steel Supplies Permit Amendment (Metallurgical Coke), 1918.

8th November. [*Gazette*, 8th November.

Societies.

Gray's Inn.

Mr. James M. Beck and Mr. Paul Cravath, both members of the Bar of New York, have been elected, on the motion of the Attorney-General, Honorary Benchers of Gray's Inn during their stay in this country. Mr. Beck, who has been Assistant Attorney-General of the United States, is the author of the book, "The Evidence in the Case," which first set out the indictment against Germany for some of her earlier outrages against civilization. An eloquent tribute by Mr. Beck to British stoicism during the war was reported in the *Times* last Thursday. Mr. Paul Cravath has been engaged on important public work in this country on behalf of the United States Government since America intervened in the war.

The only precedent for action of this kind by an Inn of Court was the election of the late Mr. Choate as an Honorary Bencher of the Middle Temple.

The League of Nations Union

The League of Nations Society decided, on the night of the 10th inst., at a meeting at Caxton Hall, under the presidency of Lord Shaw, to amalgamate with the League of Free Nations, under the title of the League of Nations Union. Lord Grey of Fallodon had accepted the presidency of the united body.

Solicitors' Benevolent Association.

The monthly meeting of the directors of this association was held at the Law Society's Hall, Chancery-lane, on the 13th inst., Mr. L. W. North Hickley in the chair. The other directors present were Messrs. R. R. Cook, T. S. Curtis, A. Davenport, J. R. B. Gregory, T. R. Haslam, G. P. Hinds (Goudhurst), C. G. May, J. F. Rowlatt, M. A. Tweedie and W. M. Walters.

The sum of £605 was distributed in grants to poor and deserving cases, seven new members were admitted, and other general business transacted.

Mr. L. W. North Hickley was re-elected chairman and Mr. Charles Goddard deputy-chairman for the ensuing year.

The Union Society of London.

SESSION 1918-19.

The third meeting of the society was held in the Middle Temple Common Room on Wednesday, 30th October, at 6 p.m. The subject for debate was "That this House is of opinion that the Defence of the Realm Act and Regulations should be repealed on the declaration of peace." Opener, Mr. P. Quass; opposer, Mr. R. Holt. The motion was carried.

The Freedom of the Seas.

Professor A. F. Pollard, speaking at University College on the evening of the 7th inst., says the *Times*, said it was obvious that the phrase "Freedom of the Seas" lent itself to interpretations with some of which no reasonable person could agree. Until there was some better security for ourselves and for the peace of the world than existed at present, or had existed in the past, it was not possible for any naval Power to forgo its belligerent rights. The fundamental point, and almost the foundation of President Wilson's whole policy, was that wars were to cease; that international anarchy, which alone justified the exercise of belligerent rights, was to come to an end; and that for the future a League of Nations should intervene to enforce international covenants.

England really stood to gain by the suggestions of President Wilson. He could not believe that any serious number of Englishmen intended to insist on our absolute control of the seas, or on such an interpretation of "Freedom of the Seas" as would place us in the position of defying a League of Nations.

"We cannot insist," he said, "that all other Powers shall put their cards on the table while we keep the ace of trumps up our sleeve. If we are going to rely for the future peace of the world upon a League of Nations, we have to make our contribution to it. People have not taken the trouble to find out what President Wilson has said on the subject, or what his meaning is. There is no real room for difference of opinion. According to President Wilson, we shall be in a far better

position with regard to the 'freedom of the seas' than we were before. We shall not only enjoy all the belligerent naval rights we have enjoyed during this war, but in future wars shall not be troubled with neutrality, or have powerful neutrals trying to break the blockade and to get their commerce into the hands of an enemy."

The Right to Overhanging Fruit.

Judge Parry, sitting at Maidstone on Wednesday, says the *Times*, delivered a considered judgment on a question of interest to fruit growers. The plaintiff, Mr. W. F. Mills, had ten apple trees on his own land 8 ft. from the boundary. Branches of these trees overhung the land of the defendant, Mr. Booker. The defendant picked apples off the branches, and the plaintiff has been awarded £10 damages for conversion. The defendant based his right to pick the apples on his right to lop the overhanging branches on which the apples grew.

His Honour said that the defendant's right to lop could not be contested, assuming that it was done in a reasonable way in accordance with the custom of fruit farmers at a proper season, and without unnecessary injury to the tree. When the branches were severed, however, that did not give the defendant any property in them or in the fruit on them. In law the branches or fruit which formerly savoured of real property had then by severance become personal property, but the property remained in the owner of the tree. As Lord Halsbury said in *Re Ainslie* (30 C. D. 487), if trees are attached to and form part of the soil they are realty; if they are severed from the soil they are personalty. I, for my own part, am unable to frame words which will express this proposition more clearly than the familiar maxim, *quicquid plantatur solo, eo cedit*. In *Masters* v. *Pollie* (1619, 2 Rolle's Rep. 141) it was held that as the body of a tree was on the plaintiff's land the whole of the tree belonged to the plaintiff. In *Miller* v. *Fandrye* (1626, Popham, 161), Mr. Justice Dodridge said that he agreed with the case in the 8th of Edward IV.:—"If a tree grow on a hedge and the fruit fall on to another man's land the owner may fetch it on the other man's land" (see Viner's Abridgement, sub. tit., "Trespass"). That principle seemed to have prevailed in the civil law, and it was consistent with common sense and fair dealing that a man should be allowed to enter another's land to gather his own fruit. It was interesting to learn that the Germans would not recognize the civil law in the matter, but stood out for a right to take the fruit of another that fell on their land (Patrick Colquhon, Summary of the Civil Law II., 60).

There seemed to be good authority for the proposition that though a man might remove a nuisance, yet he could not in general appropriate the materials which caused the nuisance and convert them to his own use. The apple trees and the apples on them were the plaintiff's real property. When the defendant picked the apples he committed an act of trespass, and the severance altered the legal status of the apples and they became the plaintiff's chattels. That personal property of the plaintiff the defendant sold, and thereby converted the apples to his own use. For that wrong the plaintiff was entitled to damages with costs.

The City and the Law.

At the Lord Mayor's Banquet, on the 9th inst., says the *Times*, the toast of "The Lord Chancellor" was proposed by the Lord Mayor.

The Lord Chancellor, responding, said:—

We have been engaged now for more than four years in conflict with the aggregation of all the powers of evil. We have been fighting the spirit of lawlessness, the abnegation of all those laws which mitigate the horrors of war and diminish the suffering of humanity when nations come into conflict. The feeling of compassion that might enter the mind at the tragedy which is being enacted in Germany is at once smothered by the reflection of the fate which the rulers of Germany were preparing for this country and for the people in this country if they had triumphed in their nefarious efforts. We have been fighting with a Power which asserted that Might was Right, and we find that in the end Right is about to triumph, and Might is in the long run on the side of Right. We have seen the most signal violation of international law on the sea and on the shore in the sinking of merchantmen with their crews and in the shameful ill-treatment of prisoners of war. We have seen the ignoring of all those maxims which have guided the nations of the world for many hundreds of years. We are face to face with the fact that the forces of our enemy have collapsed, and the duty now rests on us of seeing that international right is restored, and that the outrages that have been committed upon it are stamped with the disapproval which can only be adequately expressed by the punishment of those responsible.

Colonel and Sheriff W. R. Smith proposed "The Judges and the Bar of England."

Sir Charles Swinfen Eady, Master of the Rolls, replied.

He said it was a cause for congratulation that, notwithstanding the terrible struggle in which this country had been so long engaged, and notwithstanding that so many of his Majesty's Judges had been called upon to perform duties not connected with their positions, the sittings of the Courts had been regularly held and the course of justice had proceeded as usual in the times of the most profound peace. It was well to remember that the foundation of organized society rested on justice, and the rights of personal liberty and individual property depended on the means of enforcing those rights. In England there had been for centuries a love of ordered liberty, and the best means of ensuring that liberty was in the open and public administration of justice by independent judges. They had recently seen many of those occupying high judicial positions called upon at the request of the Executive Government to perform other duties. They had recognized that, in strenuous and unprecedented times, having regard to the colossal burden that rested upon those who had to carry out the duties of government, it was the duty of every one, high or low, to give of his best to the State in her hour of need, and to respond to every call where he was able to give aid to the State. They looked forward, however, to the time, which he hoped was not far distant, when the old position would be reverted to, and there would be set up again the peace-time severance between those who filled great political offices and carried on the Executive Government and those who discharged political work. They were firmly convinced that it was in the interests of the people of this country and of their rights and liberties that this severance should be full and complete.

The Attorney-General (Sir Frederick Smith) also replied.

He said that in these four and a half years of war more than 2,000 men of the legal profession had perished, and many thousands had been maimed. He would not describe the decorations and distinctions won by men who in 1914 had never thought of war, but there was no military distinction, from the highest downwards, which had not been won by both branches of the profession. The Kaiser, he continued, was reported to have said to his dentist that this was a war between emperors and lawyers. He hoped the emperors liked the result. It had been hard to win victory, but no man must suppose that the burdens imposed on Ministers and on every responsible citizen in this country had ended with the winning of victory. In the next four years tasks as formidable and as decisive of the ultimate fate of the Empire would have to be determined as in the past four years. There was no man who by his sagacity and his courage was so marked out to deal successfully with the problems ahead as the Prime Minister. If at this moment we did not possess a Lloyd George, it would be necessary to find one to fill his office. Great as had been the contributions in the field and elsewhere of the legal profession in the four years that lay behind us, he, for one, was persuaded that contributions to the national force not less distinguished and not less brilliant could be claimed, and would be rendered, by the legal profession in the years that lay before us.

The Lord Mayor at the Law Courts.

At the Law Courts, last Saturday, Mr. Justice Darling, who was accompanied on the Bench by Mr. Justice Coleridge and Mr. Justice Avory, received the Lord Mayor, Sir Horace Brooke Marshall, in the Lord Chief Justice's Court.

The Recorder of London, in introducing the Lord Mayor, said that he entered his office at a solemn moment in the fortunes of the Empire and of the world. The peace which must soon be proclaimed would scarcely be a time for joyous celebrations, for too many homes were desolate and too many of our gallant soldiers and sailors had laid down their lives for King and country, but rather for deep thankfulness that we had escaped so many and such great dangers. The period of reconstruction would present many difficult and dangerous problems which would tax to the utmost the wisdom and courage of our statesmen. It was a subject for congratulation that at such a time the citizens of London should have chosen for their Chief Magistrate one so well qualified to advise them in any emergency which might be likely to arise.

Mr. Justice Darling, in welcoming the Lord Mayor, said he had entered upon his mayoralty at a more fortunate moment than had been the case with any Lord Mayor during the last four years. "From what we see and what we know of the condition of Germany," he said, "the success of our arms and the failure of theirs, the support of our Allies and the desertion of their allies, I think we cannot doubt that this war is nearly over, and that your chief duties, during your year of office, will be concerned with the reconstruction of our industries and our society, so damaged by the years of war that have passed." It was said by a native of the country of our great Ally, France—La Rochefoucauld—that it was more difficult to support worthily good fortune than evil, and he hoped that this country, which had borne itself so well during the dark days of the last four years, would bear itself as well and as nobly in the happier times to come.

To prevent the annoyance sometimes occasioned by a surcharge, the reason for which is not clear at first sight, the Postmaster-General points out that commercial and business papers of a formal character, such as invoices, orders for goods, and receipts, are not admissible at the Inland Printed Paper Rate of ½d. for 1 oz. unless they are written on a printed form clearly indicating the purpose for which it is intended to be used. Such a form may be printed on a card, but if this is done the card should not bear the words "Post Card," but should bear instead at the top left-hand corner of the front the words "Printed Paper."

Obituary.

The Hon. Alfred E. Gathorne-Hardy.

The Hon. Alfred Erskine Gathorne-Hardy, a Railway Commissioner and Chairman of the Light Railways Commission, was on Monday found dead in his study at Donnington Priory, Newbury, with a revolver lying on the desk. He had lately received an unfavourable report on his health from a specialist.

Mr. Gathorne-Hardy was born in London on 27th February, 1845, being the third son of the first Earl of Cranbrook. He was educated at Eton and Balliol, where he took first-class honours in History. On 7th June, 1869, he was called to the Bar by the Inner Temple and practised for some years, being counsel for the Woods and Forests. He took an active part in politics. In 1877 he was elected Conservative Member for Canterbury, but was unseated on petition in 1880. In May, 1882, he contested the Northern Division of the West Riding of Yorkshire, and greatly reduced the Liberal majority. He tried again in the Doncaster Division in 1885, and was ultimately successful in North Sussex in 1886, holding that seat until 1895. Ten years later he became a Railway Commissioner and Chairman of the Light Railways Commission.

Mr. Gathorne-Hardy, says the *Times*, was a great lover of sport and country life generally. He was the author of "The Salmon" (Fur, Feather and Fin Series), 1898; "Autumns in Argyllshire with Rod and Gun," 1900; and "My Happy Hunting Grounds," 1914. The last-named, a leisurely volume, written in the right contemplative spirit, is full of reminiscences of Sark, Colonsay and Braemore, and pleasant talk about salmon and seals, bears and golf, wading birds and the author's human friends. Last September Mr. Gathorne-Hardy wrote an excellent and practical letter to the *Times* on "Tree Roots as Fuel." His life of his father, published in 1910, was his only essay in biography. He married in 1875 Isabella Louisa, only daughter of the late John Malcolm, of Poltalloch, Argyllshire, by whom he had two sons and one daughter.

Mr. J. D. Langton.

The death of Mr. J. D. Langton, general manager of His Majesty's Theatre, which took place suddenly at that theatre on the afternoon of Thursday, the 7th inst., came as a great shock to many circles of friends and acquaintances. Mr. Langton was esteemed as a lawyer, he was a favourite in the City, he was highly honoured as a Freemason, and some of the leading members of the stage will miss him sorely.

Mr. Langton was admitted a solicitor in December, 1880. He was appointed Under-Sheriff of the City on 28th September, 1899, and he had since filled the same position for twelve years. He was initiated in 1877 in the Welcome Lodge No. 1,673, of which he was a P.M. and secretary. For many years he was a member of the Grand Masters Lodge No. 1. He was a P.M. and secretary for Jubilee Masters Lodge No. 2,712. He was also a member of several other lodges. He was Deputy Grand Master for Surrey, Past Deputy Grand Director of Ceremonies and Past Grand Deacon of the Grand Lodge, a member of the Board of General Purposes, and held high office in the Royal Arch and the Masonic degrees. He was a governor of the Royal Masonic Institute for Girls, and vice-president of the Benevolent Institution. Mr. Langton was for many years the trusted adviser of Sir Herbert Tree, by whose will he was appointed general manager of His Majesty's Theatre in the interests of the heirs. Mr. Langton was closely connected with King George's Pension Fund from its inauguration, as honorary solicitor, and, more recently, as secretary. He was sixty years of age in March—somewhat older than his friends had imagined. He was greatly respected in his profession. He combined great strength of character with gentleness and kindness of heart. No trouble on behalf of his clients was too much for him. Apart from the respect which he won in his own profession, he will be sincerely mourned as a friend by many people who loved him for his sympathetic nature. He leaves a widow, a son, who is a lieutenant in the Royal Air Force, and a married daughter in India.

Mr. Henry Taylor.

Mr. Henry Taylor, of Manchester, died on 21st October at the age of eighty-four. Mr. Taylor, who was admitted in 1857, joined the firm of Messrs. Beever & Darwell, solicitors, Manchester, in 1858. Following upon the death of Mr. Darwell, and the retirement from practice of Mr. Beever, he was from the year 1870 to the date of his death head of the firm now carried on under the name of Taylor, Kirkman & Mainprice.

Qui ante diem periit,
Sed miles, sed pro patria.

Captain Francis B. Broad.

Captain Francis Boase Broad, M.C., Middlesex Regiment, killed in action on 24th October, aged twenty-three, was the second son of Mr. T. J. Broad, solicitor, of Watford, Herts, and was educated at St. Lawrence College, Ramsgate. In August, 1914, he joined the Universities and Public Schools Brigade, and afterwards passed through Sandhurst and obtained his commission in the spring of 1915, and proceeded to France. He was sent home suffering from injuries accidentally received in the autumn. On recovery he again went to the front and was severely wounded in the Somme battle in 1916. After some months of home service he rejoined his regiment in the autumn of 1917, and was with them until his death. He was awarded the M.C. in June, 1918, and was killed in an attack on a machine-gun post. A brother officer writes:—"Everyone had the greatest admiration and regard for your boy. He was one of our very finest and most capable officers, possessed of wonderful courage and resourcefulness, and gifted with powers of leadership far beyond his years." His elder brother was killed last March.

Second Lieutenant P. E. Samson.

Second Lieutenant Philip Edward Samson, King's Liverpool Regiment, who died on 21st October at a casualty clearing station abroad, of wounds received in action, was the youngest son of Mr. Charles L. Samson, senior partner in the firm of Grundy, Kershaw, Samson & Co., solicitors, of Manchester and London, and was thirty-two years of age. He was educated at Mr. Draper's, Lockers Park, Hemel Hempstead, and at Charterhouse. He served at the front in 1917, and returned wounded. He went out again last September, and was fatally wounded while leading a raiding party on the night of 14th-15th October, and died on the 21st. He passed first-class in musketry and as a physical drill inspector. His colonel writes:—"He was badly wounded in a raid which we carried out on the night 14th-15th October, and in which he led, with great gallantry, one of the raiding parties. He was wounded by a bullet through the left lung, and from what the doctor told me at the time I feared it would go badly with him. . . . All he said was that he was sorry he had been wounded, as if it were his fault! I am so sorry about it all. We had all grown to like him very much, and he would have made a very fine officer. He was particularly good in the line. His men were very devoted to him, and indeed he is a great loss to us all."

Legal News.

Appointments.

The Right Hon. Sir George Cave, M.P., has been appointed a Lord of Appeal in succession to the late Lord Parker of Waddington. The dignity of a Viscounty of the United Kingdom has been conferred on the new Law Lord.

Mr. Justice Lush has appointed Mr. C. Lacey Smith, Barrister-at-Law of the Middle Temple, Associate on the Midland Circuit in succession to Mr. S. L. Holland, who has retired after thirty-one years' service in that office. Letters and papers for the Associate should be addressed to 3, Plowden-buildings, Temple.

Mr. William Michael Spence has been appointed one of the conveyancing counsel of the Chancery Division, in the place of the late Sir Philip Gregory.

Changes in Partnerships.

Dissolutions.

William Worship Paine, John Elliott Huxtable, Harry Knox, Harry Montefiore Cohen, and Granville Tyser, solicitors (Paines, Blyth & Huxtable), 14, St. Helen's-place, London. So far as the said William Worship Paine is concerned, by his retirement from the said firm, as and from 31st October. [*Gazette*, Nov. 1.

Frederick Glynn Adams and George Loraine Hawker, solicitors (Adams & Hawker), Bank Chambers, Tower Bridge-road, Bermondsey, in the County of London. Nov. 6. The said George Loraine Hawker will continue to carry on business under his own name at the above address. [*Gazette*, Nov. 12.

General.

Sir William Pickford, the new President of the Probate, Divorce and Admiralty Division, has taken the title of Baron Sterndale of King Sterndale, in the county of Derby, on his elevation to the peerage.

Police Inspector Lawrence, at Marylebone Police Court on Tuesday, asked to be allowed to withdraw a summons under the Lighting Restrictions Order. He informed the magistrate that instructions had been received from the Commissioner of Police to withdraw all summonses that were pending with regard to unscreened lights. Asked if the instruction applied to lights on motors as well as in houses, the inspector replied, "Only to houses."

In the House of Commons on Tuesday Mr. Bonar Law, replying to Mr. H. Samuel, said he thought it was too soon on the day following the conclusion of an armistice to make any statement as to the removal of the restrictions on the freedom of the Press and of speech in regard to matters other than those affecting military and naval movements: but he could assure his right hon. friend that the Government were giving the question the closest consideration.

In the House of Commons on Tuesday, Mr. Bonar Law, replying to Sir D. Maclean, said that instructions had been sent to the military tribunals to entirely suspend their activities. Mr. Brunner asked whether the Volunteer conditions attached to certain exemptions, which were very irksome to many busy men, would be adhered to. Mr. Bonar Law said there was a great deal of force in the point raised, but he had not looked into it enough, and would like notice before giving a definite answer. As to men who had been called up that day and other days of this week, he thought they would be suspended. That would be the right course.

Mr. C. V. Hill, solicitor, on Tuesday, says the *Times*, made application at Marylebone Police Court on behalf of a woman for an increase in the amount of her allowance from her husband under an order of the Court, on the ground that he was earning good wages. Mr. d'Eyncourt: There is no doubt that at present our currency is in a very depreciated condition—a sovereign being worth only about half what it used to be; but things will readjust themselves, and I think wages are bound to come down. Efforts will be made to keep them up, but they must come down. Agreeing with Mr. Hill that the change would not come for some time, the magistrate granted the summons.

In the House of Commons on the 7th inst., Mr. Wardle, Parliamentary Secretary to the Board of Trade, answering Sir R. Cooper, said an Order had been made by the Board of Trade vesting enemy-owned patents and the benefit of enemy patent applications in the Public Trustee, and under the Trading with the Enemy (Copyright) Act the copyright in any works first made or published in an enemy country during the war also vested in the Public Trustee, who would hold the enemy property vested in him until the termination of the war. The ultimate treatment of this property as well as of enemy owned trade marks was a matter which was engaging the consideration of the Government.

The London Appeal Tribunal on Wednesday adjourned *sine die*. Sir Donald Maclean, the chairman, says the *Times*, in conversation, said that the total number of hearings since 1st March, 1916, by six committees sitting in various parts of London was 70,325, on a total of 53,602 original cases. Leave was given in only eighty-four cases to appeal to the Central Tribunal. There had been 7,722 applications for medical re-examination, of which 3,500 in round figures had been successful. There had been about 950 applications for exemption as conscientious objectors. Roughly, about 50 per cent. of the appeals from local tribunals had been dismissed. The tribunal had always kept abreast of its work and there had never been any arrears. The number of exemption certificates running at one time had never exceeded about 5,000, showing that the exemptions granted were for short periods.

The *New York Times* correspondent, in a message dated 10th November, says:—Mr. Wilson has instructed Mr. Hoover to proceed as soon as possible to Europe to take charge of the organization for this Government of the measures for the food relief of the liberated peoples. The armistice and the arrival of peace, instead of relieving, will add to the drain imposed on American supplies. Yesterday the Food Administration issued a fresh appeal to the people of this country voluntarily to co-operate in the further restrictions of the consumption of food. It asks that the population shall forgo afternoon teas, after-theatre supper parties, and all "fourth meals." Mr. Hoover will be accompanied by a staff of experts, and in all probability by Mr. Hurley, whose knowledge of the resources of the world's shipping will be invoked for the purpose of dispatching increased amounts of food to Europe with the utmost possible dispatch.

In the House of Commons on Tuesday, Mr. Macpherson, Parliamentary Under Secretary for War, in answer to Mr. Wing, said coal-miners were released from the Army from time to time in accordance with the decisions of the War Cabinet. In view of the present situation as many as possible of the miners who were serving with the Home Army would be released, and he understood that some were being released from France. Mr. Macpherson, replying to Sir J. Spear, stated that special consideration would be given to the claims for earlier release of those men who, prior to the war, were engaged in single-man businesses, or who were key-men who were necessary for the re-establishment of important trades and industries. Mr. Macpherson, replying to Colonel Ashley, said the claims of married men to early release have been recognized, and it has been provided in the scheme of demobilization that, other conditions being equal, married men shall be selected in preference to single men for the drafts for dispersal.

In a letter to the *Times* of Thursday, Sir Ernest M. Pollock, K.C., M.P., says:—During the time that the armistice affords opportunity for considering in what matters the legislation imposed during the war shall be made permanent, it may not be inopportune to call attention to the fact that a stringent Act was passed at the end of the Napoleonic Wars to impose restrictions upon the entry of aliens into this country and to give powers to insist upon their departure from it. The Act 56 George III., cap. 86, received the Royal Assent on 26th June, 1816, and was made effective for two years. Thereafter it was continued for successive periods of two years until 1826, when a Registration of Aliens Act dealt with the subject on a more lasting basis. The Act was passed in spite of considerable opposition. Lord Sidmouth, who moved the second reading of the Bill in the House of Lords, described it as "the only remaining part of that series of precautionary measures that were adopted in 1793," and dwelt on the wisdom of it, derived from experience.

Court Papers.

Supreme Court of Judicature.

Rota of Registrars in Attendance on

Date.	Emergency Rota.	Appeal Court No. 1.	Mr. Justice Eve.	Mr. Justice Sargant.
Monday..Nov. 18	Mr. Farmer	Mr. Church	Mr. Leach	Mr. Borrer
Tuesday..... 19	Jolly	Farmer	Church	Goldschmidt
Wednesday .. 20	Synge	Jolly	Farmer	Leach
Thursday 21	Bloxam	Synge	Jolly	Church
Friday..... 22	Borrer	Bloxam	Synge	Farmer
Saturday 23	Goldschmidt	Borrer	Bloxam	Jolly

Date.	Mr. Justice Astbury.	Mr. Justice Younger.	Mr. Justice Peterson.	Mr. Justice P. O. Lawrence.
Monday..Nov. 18	Mr. Goldschmidt	Mr. Bloxam	Mr. Synge	Mr. Jolly
Tuesday..... 19	Leach	Borrer	Bloxam	Synge
Wednesday .. 20	Church	Goldschmidt	Borrer	Bloxam
Thursday 21	Farmer	Leach	Goldschmidt	Borrer
Friday..... 22	Jolly	Church	Leach	Goldschmidt
Saturday 23	Synge	Farmer	Church	Leach

Winding-up Notices.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

London Gazette.—Friday, Nov. 8.

Canterbury Unionist Club, Ltd.—Creditors are required, on or before Dec. 14, to send their names and addresses, and the particulars of their debts or claims, to John Edward Reid, The Precincts, Canterbury, liquidator.

London Motor Lighterage Co, Ltd.—Creditors are required, on or before Dec 31, to send their names and addresses, and the particulars of their debts or claims, to T. Vivian Macleod, 5 Water ln, liquidator.

Read & Campbell (Eastern), Ltd. (In Voluntary Liquidation).—Creditors are required on or before Jan 31, to send in their names and addresses, with particulars of their debts or claims, to Percy W. Moll, 28a, Basinghall st, liquidator.

Tetherhall Steam Fishing Co (of Fleetwood), Ltd. (In Voluntary Liquidation).—Creditors are required, on or before Nov 18, to send their names and addresses, and the particulars of their debts or claims, to Augustus Frederick Feeney, 91, Church st, Blackpool, liquidator.